

# AFFH Rule Guidebook

Version 1, December 31, 2015, the U.S. Department of Housing and Urban Development

## **Preface: Empowering Program Participants in Fair Housing Planning**

Pursuant to its authority under the Fair Housing Act, HUD has long directed program participants to undertake an assessment of fair housing issues—previously under the Analysis of Impediments to Fair Housing Choice (AI) approach, and following the effective date of the Affirmatively Furthering Fair Housing (AFFH) rule, under the new Assessment of Fair Housing (AFH) approach. This Guidebook (Guidebook) seeks to help program participants and members of the public understand the AFFH rule, the obligation to complete an AFH, and the linkage between an AFH and other required planning processes. For more specific information about AFFH fair housing planning obligations, refer to the AFFH rule.

The AFFH rule requires fair housing planning and describes the required elements of the fair housing planning process. The first step in the planning process is completing the fair housing analysis required in the AFH. The rule establishes specific requirements program participants will follow for developing and submitting an AFH and for incorporating and implementing that AFH into subsequent Consolidated Plans and Public Housing Agency (PHA) Plans. This process will help to connect housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing. The new approach put in place by this rule is designed to improve program participants' fair housing planning processes by providing data and greater clarity to the steps that program participants must take to assess fair housing issues and contributing factors, set fair housing priorities and goals to overcome them, and, ultimately, take meaningful actions to affirmatively further fair housing. A goal of the AFFH rule is to make sure states and insular areas, local communities, and PHAs understand their responsibilities in the area of fair housing planning. As the Department works to foster effective fair housing planning, goal setting, strategies, and actions, it recognizes that the people who are most familiar with fair housing issues in cities, counties, and states are the people who live there and deal with these issues on a daily basis.

Local governments, PHAs, States, and Insular Areas must be involved in fair housing planning to ensure follow through on the obligation to affirmatively further the policies of the Fair Housing Act. These policies include the policy of ensuring that persons are not denied equal opportunities in connection with housing because of their race, color, national origin, religion, disability, sex, or familial status. They also include the policy of overcoming patterns of segregation and the denial of access to opportunity that are part of this nation's history. To be effective, fair housing planning must tackle tough issues. Fair housing planning affects the community as a whole, so all people in the community must have the opportunity to be at the table and participate in making those decisions. The AFFH rule recognizes that local governments, PHAs, States, and Insular Areas have the responsibility to identify the nature and extent of barriers to fair housing and set goals for what can and should be done to address them. For this reason, the AFFH rule makes community participation an important part of the development of the AFH and subsequent planning to help ensure the integrity and, ultimately, the success of program participants' efforts to affirmatively furthering fair housing. In other words, subject to review by HUD, local governments, PHAs, States, and Insular Areas will identify the fair housing issues affecting their

geographic area, develop planned solutions, and be accountable for resolving the problems using the solutions that they adopt.

The Department believes that the legal obligations and principles embodied in the concept of “fair housing” are fundamental to healthy communities, and hopes this guidance will help program participants develop concrete and effective fair housing goals, strategies, and actions in the overall community planning and development process that lead to substantial positive change.

**HUD is providing different Assessment Tools for different types of program participants.**

Much of this guidance focuses on the requirements of the AFFH Rule and is applicable to all program participants. General content requirements for an AFH are contained in the AFFH rule, while more specific content requirements are provided or will be provided in the Assessment Tools that the AFFH rule requires program participants to use.

Please note that Section 5 of this Guidebook provides guidance on the Assessment Tool developed for use by local governments that receive funding under HUD’s Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), Emergency Solutions Grants (ESG), or Housing Opportunities for Persons with AIDS (HOPWA) programs, and for joint and regional collaborations between: (1) local governments and (2) one or more local governments with one or more public housing agencies.

Assessment Tools to be used by States and Insular Areas and for PHAs submitting individual AFHs will be provided, and may include different requirements. Additional guidance will be provided regarding any specific considerations for completing Assessment Tools for States and Insular Areas, and for PHAs submitting individual AFHs, at a later date.

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## 1. New Rule, Same Law: Introduction to Affirmatively Furthering Fair Housing (AFFH) and the AFFH Rule

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The Fair Housing Act<sup>1</sup> (the Act) declares that it is “the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.”<sup>2</sup> It does so by prohibiting discrimination in the sale, rental, and financing of dwellings, and in other real estate-related transactions because of race, color, religion, sex, familial status<sup>3</sup>, national origin, or disability.<sup>4 5</sup> In addition, the Fair Housing Act requires that HUD administer programs and activities relating to housing and urban development in a manner that affirmatively furthers the policies of the Act.<sup>6</sup>

Courts have examined the legislative history of the Fair Housing Act and related statutes. They have found that the purpose of the affirmatively furthering fair housing mandate is to ensure that recipients of Federal housing and urban development funds do more than simply not discriminate: recipients also must address segregation and related barriers for groups with characteristics protected by the Act, including segregation and related barriers in racially or ethnically concentrated areas of poverty. In the 1972 Supreme Court case, *Trafficante v. Metropolitan Life Insurance Company*, the Court quoted the Act’s co-sponsor, Senator Walter F. Mondale, in noting that the Fair Housing Act was enacted by Congress to replace the racially or ethnically concentrated areas that were once called “ghettos” with “truly

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<sup>1</sup> Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601-3619

<sup>2</sup> 42 U.S.C. § 3601.

<sup>3</sup> Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with (a) A parent or another person having legal custody of such individual or individuals; or (b) The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. 24 C.F.R. § 100.50

<sup>4</sup> Although the Fair Housing Act was amended in 1988 to extend civil rights protections to persons with “handicaps,” the term “disability” is more commonly used and accepted today to refer to an individual’s physical or mental impairment that is protected under federal civil rights laws, including the record of such an impairment and being regarded as having such an impairment. For this reason, except where quoting from the Fair Housing Act, this Guidebook uses the term “disability.”

<sup>5</sup> Race, color, religion, sex, familial status, national origin, and disability are referred to as “protected characteristics.” A group sharing a particular protected characteristic is a protected class.

<sup>6</sup> 42 U.S.C. § 3608(d), (e)(5)

integrated and balanced living patterns.”<sup>7</sup> In 2015, in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, the Supreme Court again acknowledged the Fair Housing Act’s continuing role in moving the Nation toward a more integrated society.<sup>8</sup>

### **Fair housing choice is not only about combating discrimination.**

Fair housing choice involves individuals and families having the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, or disability, and that their choices realistically include housing options in integrated areas and areas with access to opportunity.

Fair housing choice encompasses (1) actual choice, which means the existence of realistic housing options; (2) protected choice, which means housing that can be accessed without discrimination; and (3) enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed. For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual’s needs.

Congress has repeatedly reinforced the AFFH mandate by requiring that HUD program participants certify that they will affirmatively further fair housing as a condition of receiving Federal funds.<sup>9</sup> Executive orders have also provided for equal opportunity in housing programs.<sup>10</sup> In addition, Executive Order 12892<sup>11</sup> emphasized the importance of complying with the obligation to affirmatively further fair housing.

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<sup>7</sup> 409 U.S. 205, 211 (1972)

<sup>8</sup> No. 13-1371 at 24, 576 U.S. \_\_\_\_ (2015)

<sup>9</sup> 42 U.S.C. §§ 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), 1437C-1(d)(16)

<sup>10</sup> Executive Order 11063, as amended by Executive Order 12259, Equal Opportunity in Housing Programs.

<sup>11</sup> Executive Order 12892, entitled “Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing,” issued January 17, 1994, vests primary authority in the Secretary of HUD for all federal executive departments and agencies to administer their programs and activities relating to housing and urban development in a manner that furthers the purposes of the Fair Housing Act. Executive Order 12898, issued on February 11, 1994, is also relevant. Executive Order 12898 is entitled “Executive Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” and declares that Federal agencies shall make it part of their mission to achieve environmental justice “by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects

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## 1.1 The AFFH Rule

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On July 16, 2015, the U.S. Department of Housing and Urban Development (HUD) published a [final rule on Affirmatively Furthering Fair Housing](#) (AFFH rule).<sup>12</sup> The AFFH rule establishes a process that certain recipients of HUD funding (referred to in the rule as “program participants”) will use to help them meet their long-standing obligations to affirmatively further fair housing. The AFFH rule creates a standardized process for fair housing planning – referred to in the AFFH rule as an Assessment of Fair Housing (AFH).

Program participants who are covered by the AFFH rule include public housing agencies (PHAs) and jurisdictions that are required to submit a Consolidated Plan in connection with the receipt of CDBG, HOME, HOPWA, or ESG funding.

*For purposes of the AFFH rule, the duty to “affirmatively further fair housing” means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development. 24 C.F.R. § 5.152*

*For the purposes of the AFFH rule, “meaningful actions” means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. 24 C.F.R. § 5.152*

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of its programs, policies, and activities on minority populations and low-income populations.”

<sup>12</sup> The AFFH rule is published at 80 Fed. Reg. 42,272 and codified at 24 CFR Part 5, along with conforming amendments to Parts 91, 570, and 903. The effective date of the AFFH rule is August 17, 2015.

The new process—which replaces the previously required Analysis of Impediments to Fair Housing Choice (AI)—requires each program participant to, among other things:

- Analyze data and other information and engage the community in fair housing planning;
- Conduct and submit to HUD an AFH that identifies, at a minimum, certain types of fair housing issues in the jurisdiction and region;
- Identify and prioritize significant contributing factors for each fair housing issue identified;
- Set fair housing goals for overcoming the effects of the prioritized contributing factors, and related fair housing issues;
- Integrate the goals and priorities established in the AFH into subsequent plans for the use of HUD funds (Consolidated Plans, annual action plans, and PHA Plans) consistent with the statutory requirements and goals governing such programs; and

Certify that the program participant will take meaningful actions to further the goals identified in its AFH and take no action that is materially inconsistent with its obligation to affirmatively further fair housing.

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### 1.2 What is the Assessment of Fair Housing (AFH)?

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The AFFH rule requires local governments, PHAs, States, and Insular Areas to perform an Assessment of Fair Housing (AFH). The AFH is an analysis of fair housing issues in a program participant’s jurisdiction and region that results in goals that the program participant sets forth to achieve over the program participant’s coming planning cycle.

*Under the AFFH rule, the “AFH” (also referred to in the rule as an “assessment”) means the analysis undertaken pursuant to 24 C.F.R. § 5.154 that includes an analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals, and is conducted and submitted to HUD using the Assessment Tool. The AFH may be conducted and submitted by an individual program participant (individual AFH), or may be a single AFH conducted and submitted by two or more program participants (joint AFH) or two or more program participants, where at least two of which are Consolidated Plan program participants (regional AFH). 24 C.F.R. § 5.152*

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Program participants conduct the AFH using an Assessment Tool, HUD-provided data,<sup>13</sup> local data, and local knowledge, including the views and recommendations of members of the community and other interested parties. HUD-provided data is disseminated to program participants and the public via a web-based geospatial mapping application. Program participants conduct the AFH using the Assessment Tool, which will be available through a web-based User Interface. The Assessment Tool consists of a series of directions and questions designed to focus program participants' analyses on key fair housing issues and contributing factors. Program participants will submit completed AFHs to HUD for review via the User Interface. HUD will review each AFH to determine whether the program participant has met the requirements for providing its analysis, assessment, prioritization, and goal setting, as set forth in the rule.<sup>14</sup> *See Chapter 5 of this Guidebook for more information on the content and requirements of the AFHs.* An accepted AFH is a required part of program participants' Consolidated Plan or 5-year PHA plan.

The AFH process is designed to assist program participants in more effectively carrying out the obligation to affirmatively further fair housing by providing a method for them to identify fair housing issues facing the jurisdiction and region, identify and prioritize factors that have significantly contributed to these issues, and set fair housing goals and priorities that will inform the strategies and actions contained in program participants' future plans. HUD encourages program participants to work with one another to submit joint or regional AFHs because collaboration can reduce burden, lead to more effective assessments of fair housing issues and contributing factors, and facilitate combined planning and resources to overcome contributing factors and related fair housing issues. In completing an AFH, program participants must ensure that the AFH is informed by meaningful community participation, and must give reasonable opportunities for public involvement in the development of the AFH and in the incorporation of the AFH into the Consolidated Plan, PHA plan, and other required planning documents. *See Chapter 3 Section 3.4 of this Guidebook for more information on required community participation.*

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<sup>13</sup> As more fully addressed in the Assessment Tool, the term "HUD-provided data" refers to HUD-provided metrics, statistics, and other quantified information required to be used with the Assessment Tool. HUD-provided data will not only be provided to program participants but will be posted for availability to all of the public.

<sup>14</sup> The AFH, as part of the fair housing planning process established by the AFFH Rule, is intended, to "help guide public sector housing and community development planning and investment decisions in being better informed about fair housing concerns and consequently help program participants to be better positioned to fulfill their obligation to affirmatively further fair housing" (see Preamble to the AFFH Final Rule, 80 Fed. Reg. 136, p. 42272; July 16, 2015). However, as stated in the AFFH Rule, "[HUD's acceptance of an AFH] does not mean that the program participant has complied with its obligation to affirmatively further fair housing under the Fair Housing Act; has complied with other provisions of the Fair Housing Act; or has complied with other civil rights laws and regulations" 24 C.F.R. §5.162 9a)(2)

As described more fully in this Guidebook, the timing of a program participant's first AFH submission depends on a number of considerations, including the nature and size of the program participant's HUD grant, the type of program participant (e.g., PHA or CDBG or HOME grantee), whether the program participant collaborates with another program participant to submit a joint or regional AFH, and the program year for which a new Consolidated Plan is due or fiscal year for which a new 5-year PHA plan is due. *See Chapter 3 of this Guidebook for more information on timing and submission guidelines for individual and joint AFHs.*

The purpose of the AFH is to help program participants undertake fair housing planning in ways that lead to meaningful actions that overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.

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### 1.3 Fair Housing Planning Using the AFFH Rule

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The AFFH rule sets out a process for fair housing planning. The regulations establish specific requirements for the development and submission of an AFH by program participants. The rule also provides for the incorporation and implementation of that AFH in subsequent planning documents, including Consolidated Plans and PHA Plans, which connects housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing.

The AFH is designed to identify fair housing issues, determine the factors that significantly contribute to identified issues, and develop a plan to overcome them. The fair housing planning process in the AFFH rule outlines content that program participants must include in their AFH. The AFH will include, at a minimum, the following elements:<sup>15</sup>

1. An analysis of data and other information, in which the program participant will assess the following fair housing issues:
  - a. Integration and segregation patterns and trends based on race, color, religion, sex, familial status, national origin, and disability in the jurisdiction and region;
  - b. Racially or ethnically concentrated areas of poverty (R/ECAPs) in the jurisdiction and region;
  - c. Significant disparities in access to opportunity for any protected class in the jurisdiction and region; and

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<sup>15</sup> 24 C.F.R. § 5.154

- d. Disproportionate housing needs for any protected class within the jurisdiction and region.
2. The AFH will also discuss fair housing issues related to publicly supported housing; disability and access; and fair housing enforcement, outreach capacity, and resources.
3. An identification of significant contributing factors for segregation, R/ECAPs, disparities in access to opportunity, and disproportionate housing needs, including the significant contributing factors that are related to publicly supported housing, disability and access issues, and fair housing enforcement, outreach capacity, and resources.
4. A prioritization of the contributing factors identified for each fair housing issue and a justification for the prioritization. In prioritizing such factors, program participants shall give highest priority to those factors that limit or deny fair housing choice of access to opportunity, or negatively impact fair housing or civil rights compliance.
5. An identification of the fair housing goals that each program participant will use to, overcome the effects of the prioritized contributing factors and related fair housing issues, including a description of how the goals relate to overcoming the contributing factor(s) and related fair housing issue(s). Each goal also will include an identification of the metrics and milestones for determining what fair housing results will be achieved and the timeframes for achieving them. For joint or regional AFHs, program participants will also specify which program participants are responsible for each goal.

In preparing an AFH, a program participant has the following resources:

- **The Assessment Tool.**<sup>16</sup> The Assessment Tool contains the prompts, questions, and instructions that a program participant will respond to in the AFH. The Assessment Tool instructions specify what HUD-provided maps and tables must be used in answering each question. Program participants will have access to a web-based portal to assist them in completing the AFH using the Assessment Tool. This web system will assist program participants in locating applicable instructions, and the HUD-provided maps and tables to be used for each question.
- **User Interface.** The Assessment Tool will be accessed through a web-based portal (the “User Interface”). This will assist program participants in completing each step

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<sup>16</sup> Under the rule, the term “Assessment Tool” refers collectively to any forms or templates and the accompanying instructions provided by HUD that program participants must use to conduct and submit an AFH pursuant to 24 C.F.R. § 5.154. HUD is providing different Assessment Tools for different types of program participants.

of the AFH. This web system will assist program participants in locating appropriate instructions and the HUD-provided maps and tables to be used for each question.

- **AFFH Data and Maps.** HUD will provide data through maps and tables that will be available in the User Interface and the [AFFH Data and Mapping Tool](#). The AFFH Data Tool has two accompanying resources: firstly, a [User Manual](#), which provides instructions on how to navigate within and among the maps and tables included in the Assessment Tool; and, secondly, a [Data Documentation](#), which provides explanations for the data. The User Interface will integrate the Assessment Tool and the AFFH Data Tool to allow interoperability between the two. The AFFH Data Tool will also provide the public with access to the data HUD makes available to program participants. While only program participants will have access to the Assessment Tool and AFFH data and maps through the User Interface, the public can access the AFFH data and maps directly from the AFFH Data Tool.
- **Local data and local knowledge.** Local data refers to metrics, statistics, and other quantified information that are relevant to the program participant's geographic areas of analysis that can be found through a reasonable amount of search, are readily available at little or no cost, and are necessary for the completion of the AFH using the Assessment Tool. Local knowledge refers to information to be provided by the program participant that is known or becomes known to the program participant, relates to the participant's geographic areas of analysis and is necessary for the completion of the AFH using the Assessment Tool. Local knowledge includes information that is gathered through the community participation process and by consulting local, state, or regional planning departments, academics, and others with knowledge of the local areas or whose work impacts on housing.
- **HUD-provided guidance.** HUD-provided guidance includes this Guidebook, additional existing or future guidance, technical assistance, and other HUD-provided training and resources. Visit the [AFFH page on the HUD Exchange](#) for additional guidance and resources.

## **2. Advancing Fair Housing: Moving from Fair Housing Planning to Strategies and Actions to Affirmatively Further Fair Housing**

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Based on the analysis and goals set in the AFH, program participants must strategize and take meaningful action to affirmatively further fair housing. These meaningful actions—significant actions that are designed and can be reasonably expected to achieve a material positive change—begin with the fair housing goals set in the AFH. Program participants must integrate the fair housing goals set in their AFH into their Consolidated Plans, Annual Action Plans, and PHA Plans. While fair housing strategies and actions are not required to be included in the AFH, they must be included in the program participants' Consolidated Plans, Annual Action Plans, and PHA Plans.

Program participants may develop a variety of fair housing strategies and actions based on their AFH. For example, a program participant may develop affordable housing that promotes integration in areas of high opportunity or preserve affordable housing in other areas as part of a place-based strategy to revitalize a racially or ethnically concentrated area of poverty. Program participants may also remove barriers to the development of affordable housing in areas with low poverty and proficient schools by, for example, seeking the amendment of local zoning and land use laws or allocating funding for affordable housing through the HOME Program and/or through Low-Income Housing Tax Credits (LIHTC). Alternatively, program participants may overcome disparities in access to opportunity by revitalizing areas with existing affordable housing to improve services, schools and other community assets, sidewalks, and other infrastructure.

It should be noted that providing affordable housing is not synonymous with AFFH. While the concepts may be related, there is distinction between AFFH strategies and strategies to provide affordable housing. Providing affordable housing for low- and moderate-income families is not, in and of itself, sufficient to affirmatively further fair housing. The delivery of decent, safe, and affordable housing provides a useful service, but by itself does not necessarily fulfill the goals and purposes of affirmatively further fair housing.

To affirmatively further fair housing, a program participant must take steps to ensure that the housing is available regardless of race, color, national origin, sex, disability, or familial status. The program participant also must consider the location of affordable housing and strategically leverage affordable housing as a means to overcome patterns of segregation, promote fair housing choice, and eliminate disparities in access to opportunity and disproportionate housing needs.

Affordable housing can be a tool that program participants use to affirmatively further fair housing. But, if affordable housing is predominantly occupied by low-income racial or ethnic minorities and it is concentrated in or adjacent to geographic areas occupied by racial or ethnic minorities, program participants will need to develop strategies to overcome segregation, including the siting of affordable housing in areas of opportunity and mobility strategies that provide access to areas of opportunity.

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**2.1 Balanced Approach to Fair Housing Planning**

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HUD supports a balanced approach to affirmatively furthering fair housing. A balanced approach encourages a variety of activities that connect housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing. To affirmatively further fair housing and achieve a balanced approach, the strategies undertaken should be meaningful and specific to the local and regional context and history of barriers to fair housing choice. While HUD is not prescriptive in the actions that may affirmatively further fair housing, program participants are required to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities free from discrimination. A balanced approach may include, but is not limited to, both place-based and mobility strategies.

**Place-based and mobility strategies.**

Place-based strategies may include but are not limited to:

- Making investments in segregated, high poverty neighborhoods that improve conditions and eliminate disparities in access to opportunity between residents of those neighborhoods and the rest of the jurisdiction and region.
- Maintaining and preserving existing affordable rental housing stock, including HUD assisted housing, to reduce disproportionate housing needs.

Mobility strategies may include but are not limited to:

- Developing affordable housing in areas of opportunity to combat segregation and promote integration.
- Providing greater access to existing affordable housing in areas of opportunity, for instance through mobility counseling for Section 8 Housing Choice Voucher recipients.
- Creating housing mobility programs that effectively connect low income residents of segregated areas to affordable housing in integrated areas, providing greater access to opportunity.

For a balanced approach to be successful, it must affirmatively further fair housing. What is needed for a balanced approach is specific to local context, including the actions a program participant has taken in the past. Consider the following:

- A program participant may work to reduce disparities in access to community assets, such as quality schools, employment, and transportation by enhancing opportunity in

underserved areas where recent investments have not been made or by providing greater housing choice in areas with existing access to opportunity.

- A program participant may use place-based strategies in an area lacking access to opportunity to improve opportunity in that area by investing in community revitalization and preservation of existing affordable housing to address the fair housing issues identified in the program participant's AFH.
- A program participant may address segregation by providing significant affordable housing in areas with existing opportunity that lack affordable housing.
- A program participant may address a racially or ethnically concentrated area of poverty through both place-based solutions to revitalize the area, as well as solutions that increase mobility for the area's residents.

When undertaking place-based strategies it is important work to retain people who have cultural, ethnic, and historical connections to the neighborhoods, as well as the unique character of the community.

Both place-based and mobility strategies must be designed to achieve fair housing outcomes such as reducing segregation and increasing integration throughout the jurisdiction, reducing disproportionate housing needs, transforming R/ECAPs by addressing the combined effects of segregation coupled with poverty, and decreasing disparities in access to opportunity, such as to high performing schools, transportation, and jobs. When steps are taken to assure that fair housing choice regardless of race, color, national origin, sex, religion, disability, or familial status; access to opportunity for all residents of the community; and residential integration, those are the actions that may affirmatively further fair housing.

It is important to note that place-based and mobility strategies are not mutually exclusive. For instance, a program participant could conclude that to combat segregation and overcome disparities in access to opportunity, additional affordable housing is needed in higher opportunity areas where few racial or ethnic minorities live. In that case, new construction of affordable housing could be undertaken, and the use of vouchers could be incentivized for those high opportunity areas. At the same time, while such efforts are being implemented, preserving the existing affordable rental stock that serves racial and ethnic minorities and persons with disabilities, while decreasing disparities in access to opportunity for residents of that housing by revitalizing the areas where it is located can also be a priority based on the fair housing issues identified in the AFH.

In taking a balanced approach to fair housing planning, program participants' priorities and goals in the AFH, and their strategies and actions in their subsequent planning documents still must be consistent with fair housing and civil rights requirements. For example, strategies that rely solely on investment in areas with high racial or ethnic concentrations of low-income residents, to the exclusion of providing access to affordable housing outside of those areas, may be problematic from the AFFH perspective. Similarly, in areas with a history of segregation, if a program participant has the ability to create opportunities outside

of the segregated, low-income areas but declines to do so in favor of place-based strategies, there could be a legitimate claim that the program participant was acting to preclude a choice of neighborhoods to historically segregated groups and failing to affirmatively further fair housing. Similarly, a mobility strategy would likely not affirmatively further fair housing if voucher holders were encouraged to consider moving to other neighborhoods, but a jurisdiction or region did not have affordable housing in low poverty areas with access to opportunity, such as proficient schools, reliable transportation, and employment opportunities.

Exhibit 2-1 provides some examples of possible place-based and mobility strategies that may affirmatively further fair housing.

**Exhibit 2-1 Place-based and Mobility Strategies**

<p><b>Place-Based Strategies:</b> Investments to substantially improve physical and economic development in racially or ethnically concentrated low income neighborhoods to revitalize the area.</p>	<p><b>Mobility Strategies:</b> Investments that promote integration by giving residents of segregated areas or R/ECAPs the opportunity to move to areas with greater access to opportunity.</p>
<p>These types of strategies may include:</p> <ul style="list-style-type: none"> <li>• Building rehabilitation as a part of a concerted community revitalization effort</li> <li>• New construction of mixed income housing designed to integrate R/ECAPs</li> <li>• Commercial redevelopment to attract jobs, access to financial services, grocery stores, and other businesses</li> <li>• Government interagency coordination to address multiple needs including housing, schools, criminal justice, transit, access to health care, etc., to reduce disparities in access to opportunity in segregated areas based on race, national origin, disability, familial status, or other protected characteristics</li> </ul>	<p>These types of strategies may include:</p> <ul style="list-style-type: none"> <li>• Section 8 Housing Choice Voucher strategies, including mobility counseling, increased landlord participation, exception rents, regional coordination, etc., that enable residents to locate in areas of opportunity</li> <li>• Increasing the stock of scattered site affordable housing in integrated areas and areas of opportunity</li> <li>• Increasing the availability of affordable housing, including mixed-income housing, in areas of opportunity, such as through targeted siting, new construction, and the removal of existing regulatory barriers</li> <li>• Increasing access for individuals with protected characteristics to existing affordable housing in higher opportunity areas</li> </ul>

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**3. AFH Process and Timeline**

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In general, HUD program participants must conduct and submit an AFH to HUD at least once every 5 years.<sup>17</sup> A program participant's AFH submission deadline is generally based on its Consolidated Plan or PHA planning cycles. This Chapter explains when an AFH is due and the required processes for conducting an AFH.

HUD has provided a checklist and worksheet to assist program participants and ensure they have completed the steps required for a complete AFH. *See 7.1 of the Appendix for the AFH Checklist and Worksheet.*

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**3.1 When Must Assessments of Fair Housing Be Submitted?**

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Until a program participant submits its first AFH, the program participant must continue to comply with applicable fair housing planning procedures, meaning that it should comply with the exiting Analysis of Impediments (AI) to fair housing choice requirements by having an up-to-date AI and taking action to affirmatively further fair housing in accordance with the AI. A program participant's deadline to submit its first AFH depends on several considerations.

To determine its due date, a program participant should follow these steps:

1. Identify what category applies to the program participant. As different types of HUD program participants have different deadlines under the AFFH rule, the program participant must identify which category applies. *See Section 3.1.1.*
2. Identify the first day of the program year for which its next 3-5 year Consolidated Plan is due or the first day of the fiscal year for which the 5-year PHA plan is due.
3. The program participant must determine whether any exception or modification to the deadline applies.

**3.1.1 Initial Due Dates**

The date on which the first AFH is due depends on the nature and size of the program participant's HUD grant. Program participants must generally submit their first AFH 270 days before the start of their next program year or fiscal year for which a new 3-5 year consolidated plan or 5-year PHA plan is due starting on or after a date certain depending on the category of participant as described in the following chart.

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<sup>17</sup> HUD and a program participant may agree in writing to modify the deadline for submission of an AFH. 24 C.F.R. §5.160(d)

<b>Participant Type: Consolidated Plan Participants<sup>18</sup></b>	<b>The first AFH is due 270 days prior to the program year for which a new 3-5 year Consolidated Plan is due, starting on or after:</b>
All Consolidated Plan program participants (except those exceptions outlined in the rows below)	January 1, 2017
Local governments CDBG <\$500K in FY2015	January 1, 2018
States and Insular Areas	January 1, 2018

<b>Participant Type: PHAs</b>	<b>First AFH due 270 days prior to the fiscal year for which a new 5-year plan is due, starting on or after:</b>
All other PHAs	January 1, 2018
Qualified PHAs	January 1, 2019

If, for example, a consolidated plan program participant that has its next 5-year cycle beginning on July 1, 2017, and received more than \$500,000 in CDBG funds for FY2015, its AFH due date would be October 4, 2016 (or 270 days prior to its program year start date). If on the other hand, it was an entity that received less than \$500,000 in CDBG funds for FY2015, its first new 5-year cycle after January 1, 2018, is July 1, 2022, and its AFH would not be due until October 4, 2021.

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<sup>18</sup> For any HOME consortium whose members do not receive CDBG funds or whose members received less than \$500K in CDBG funds in FY2015, the consortium’s first AFH is due 270 days prior to the program year for which a new 3-5 year Consolidated Plan is due starting on or after January 1, 2018. For any HOME consortium in which a member received more than \$500K in CDBG funds in FY2015, the consortium’s first AFH is due 270 days prior to the program year for which a new 3-5 Consolidated Plan is due starting on or after January 1, 2017.

### 3.1.2 Exceptions to the Initial AFH Due Dates

There are some exceptions to the timing for submissions of a program participant's first AFH.

- **New Program Participants.** For new program participants that have not submitted a Consolidated Plan or PHA plan as of August 17, 2015, HUD will provide the new program participant with a deadline for submission of its first AFH. The program participant will then have 18 months from the start date of its initial program year or fiscal year, respectively, to incorporate the AFH into its consolidated plan or PHA Plan.
- **Jurisdictions that recently completed a Regional Analysis of Impediments (RAI).** Program Participants that completed a HUD-approved RAI in accordance with a fiscal year 2010 or 2011 HUD Sustainable Communities Competition and submitted the RAI within 30 months prior to the date that would otherwise be the program participant's AFH deadline is not required to comply with the AFH deadlines for the first AFH submission defined above. A program participant meeting this criterion shall submit the first AFH during the next 5-year planning cycle.
- **Joint and Regional AFHs.** For joint participants or regionally collaborating participants the due date for all such participants will be the due date for the designated lead entity.
- **Availability of Assessment Tool.** The AFFH Rule allows HUD flexibility in setting a later initial due date in the event that an Assessment Tool has not been issued and designated for use by a particular category of program participants. In such an event, following the designation of an Assessment Tool for use by a particular category of program participants, HUD will specify a deadline extension that will not be less than 9 months from the date of publication of the applicable Assessment Tool.

### 3.1.3 When to Submit Subsequent AFHs

In general, all program participants submit an AFH no less than once every five years. After the first AFH, subsequent AFHs will be due 195 calendar days before the start of the program year for which the Consolidated Plan program participant's next strategic plan is due or the fiscal year for which the PHA's five-year plan is due. A program participant and HUD may agree on an alternative timeframe in writing to better align the AFH with the participant's Consolidated Plan, PHA plan, participation in a joint or regional plan, or other plans.

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## 3.2 Collaborating with other entities to prepare a joint or regional AFH

Program participants have the option of preparing an AFH on their own or collaborating with other program participants to prepare a joint or regional submission. HUD encourages collaboration for completion of the AFH so that program participants are able to share resources and consider fair housing issues from a broader perspective.

### **3.2.1 The Benefits of Joint or Regional Fair Housing Planning**

Fair housing issues not only cross multiple sectors—including housing, education, transportation, and commercial and economic development—these issues are often not constrained by political or geographic boundaries. Collaborative regional planning can be a useful approach to coordinate solutions for overcoming identified fair housing issues and contributing factors. For example, one City may identify segregation as a fair housing issue because members of a particular racial or ethnic group live in only one part of the City. The City may identify the location and type of affordable housing as a contributing factor for this issue because the only affordable housing in the jurisdiction and the region is located in that particular part of the City. A viable fair housing goal may require a regional approach. For instance, this City may seek to coordinate with a neighboring jurisdiction to ensure strategic siting of future affordable housing units to promote integration throughout the region. Thus, a regional fair housing plan would better enable the City to address the fair housing issue of segregation and the contributing factor of the location and type of affordable housing by working toward a more balanced distribution of affordable housing throughout the region. In this example, collaboration would enable the region to respond to identified fair housing issues; plan to meet each community’s housing needs and ensure affordable housing is built in a variety of communities; and mitigate the concentration of affordable units.

#### **Collaboration in fair housing planning is encouraged.**

Not only do many fair housing issues cross jurisdictional boundaries, but all program participants will be required to conduct a regional analysis whether or not they choose to work with regional partners. Things to take into account when considering a joint or regional collaboration may include:

- Do the fair housing issues in my jurisdiction overlap with another program participant?
- Do any publicly supported housing service areas overlap with my jurisdiction?
- Have we already worked together on projects successfully?
- Does addressing certain fair housing issues in my area rely on coordination with other entities?
- Will collaboration help reduce burden or reduce duplication efforts?

### **3.2.2 Types of Collaboration**

Types of collaborations may include collaborations between Consolidated Planning jurisdictions (such as entities receiving CDBG or HOME funding, including HOME consortia), between PHAs, or between Consolidated Planning jurisdictions and PHAs.

*For purposes of the AFFH rule, “Joint participants” refers to two or more program participants conducting and submitting a single AFH together (a joint AFH). 24 C.F.R. § 5.152*

*For purposes of the AFFH rule, “Regionally collaborating participants” refers to joint participants, at least two of which are Consolidated Plan program participants, conducting and submitting a single AFH (a regional AFH). 24 C.F.R. § 5.152*

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### Options for Collaboration

#### Consolidated Plan program participants

- Regionally complete and submit an AFH with another jurisdiction (may include PHAs);
- Jointly complete and submit an AFH with a local PHA; or
- Complete and submit an AFH individually.

#### Public Housing Agency program participants

- Jointly or regionally complete and submit an AFH with a local jurisdiction or State entity;
- Jointly complete and submit the AFH with another PHA; or
- Complete and submit an AFH individually

For the purposes of conducting and submitting a joint or regional AFH, program participants may collaborate with any other program participant(s), regardless of whether or not they are contiguous, provided that the collaborating program participants are within the same Core Based Statistical Area (CBSA), as defined by the U.S. Office of Management and Budget at the time of submission of the joint or regional AFH. A CBSA is made up of one or more counties that are part of a metropolitan or micropolitan area.<sup>19</sup> A CBSA may cover a single county or more than one county and may cross state boundaries.<sup>20</sup>

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<sup>19</sup> Metropolitan areas have an urban core of 50,000 or more residents and any adjacent counties that have a high degree of social and economic integration with the urban core (as measured by commuting to work). Micropolitan areas have a smaller population in the urban core—at least 10,000 but less than 50,000—and also include adjacent counties with a high degree of social and economic integration with the urban core. The CBSA includes all adjacent counties that are within a metropolitan or micropolitan area.

<sup>20</sup> Maps of CBSA boundaries can be found on the [U.S. Census Bureau web site](#).

Program participants that seek to collaborate in a joint or regional AFH and are not located in the same CBSA or are not in the same state, must submit a written request to HUD for approval before proceeding with a joint or regional AFH. This written request should state why the collaboration is appropriate and should be made with sufficient time to complete the requirements of the AFFH rule, including the community participation requirements.

### NOTE FOR HOME CONSORTIA

#### **HUD expects HOME consortium members to submit a single AFH**

For the purposes of the AFFH Rule, HUD considers a consortium that acts as a single unit of general local government for the purposes of the HOME program to also be a single program participant for the purposes of completing an AFH. As such, a HOME consortium must submit a single AFH that covers the jurisdictions that make up the consortium. HUD does not consider such a submission to be a “joint” or “regional” submission. As such, HOME consortia are not subject to the requirements to notify HUD of the intent to submit jointly or to complete a separate written agreement. Consolidated Planning regulations require HOME consortium members to be on the same cycle for the 3-5 year consolidated plan (and to submit a single consolidated plan), so the AFH due date would be the same for the entire consortium.

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### 3.3 Process Requirements for Collaboration

All program participants that intend to conduct and submit either a joint or regional AFH must promptly<sup>21</sup> notify HUD of such intentions and provide HUD with a copy of their written agreement to collaborate. The written agreement must designate one participant as the lead entity to oversee the submission of the joint or regional AFH on behalf of all collaborating program participants. The written agreement should also set out the activities that each participant will perform and timeframes for performing such activities. Program participants may also want to include procedures that will be used to resolve any disagreements that may occur during the course of the collaboration. *HUD has provided a template for a written agreement in Appendix 7.7. of to this Guidebook.*

#### 3.3.1 Identifying a Lead Entity

Collaborating program participants must designate, through express written consent, one program participant as the lead entity to oversee the submission of the joint or regional AFH on behalf of all collaborating program participants. While a variety of regional institutions may be involved in the AFH planning process, the lead entity for a joint or regional AFH

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<sup>21</sup> By “promptly” HUD is asking program participants that choose to collaborate to notify HUD of their intent at the earliest opportunity.

must be a designated program participant that is responsible for overseeing the submission of the AFH on behalf of all collaborating program participants.

### 3.3.2 Coordinating Submission Schedules

Ideally, program participants submitting joint or regional AFHs will have the same Consolidated Plan or PHA plan schedules. To the extent practicable, a program participant should change its program or fiscal year start date to align with other collaborating program participants.<sup>22</sup> Should program years not align, the joint or regional AFH will follow the deadline applicable to the lead entity. In this case, if a joint or regionally collaborating program participant's program year or fiscal year begins before that of the lead entity, the program participant must still submit its Consolidated Plan or PHA plan on time, despite the fact that the joint or regional AFH will not be ready and therefore cannot be included in its initial Consolidated Plan or PHA plan. After HUD accepts the joint or regional AFH, this program participant will have 12 months to revise its Consolidated Plan or PHA plan to incorporate the joint or regional AFH.

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<sup>22</sup> Procedures for changing Consolidated Plan program participant program year start dates are located in 24 C.F.R. § 91.15, and procedures for changing PHA fiscal year beginning dates are located in 24 C.F.R. Part 903.

**Example: Coordinating Program Years and Submission Dates for Regional AFH**

Consider the hypothetical case where the City of X, and Y and Z counties, which are in the same XYZ metro area CBSA, decided to develop a regional AFH, with Z County as the lead entity. Because two or more of these entities are Consolidated Plan program participants, this would be a regional, not a joint, AFH. Since all three of these jurisdictions are in the same CBSA, they do not need HUD approval to collaborate. However, they must promptly notify HUD of their intention to collaborate and provide a copy of their written agreement to collaborate, including a designation of the program participant that will serve as the lead entity.

First, the program participants should work to coordinate their program years and submission deadlines, to the extent practicable. If alignment of a program year is not practicable, the regional AFH will be due based on the designated lead entity's program year start date. Thus, if coordinating program years and submission deadlines is not practicable, the AFH would be due according to Z County's Consolidated Planning schedule since it is the lead entity.

If program years and submission deadlines are not able to be coordinated, program participants may need to revise their existing Consolidated Plans to reflect the fair housing planning contained in the AFH. For example, if the City of X's program year starts before Z County's, and thus before the AFH is finalized, the City will have to incorporate goals and priorities established in the regional AFH into its Consolidated Plan. In this case, City of X must submit its Consolidated Plan on time as usual, and then will need to submit a revised Consolidated Plan within 12 months of the date that the regional AFH is accepted. The revised Consolidated Plan must incorporate strategies and actions to implement the goals and priorities established in the regional AFH.

**3.3.3 Collaborations and Content of the AFH**

When submitting a joint or regional AFH, program participants may divide work as they choose, but all program participants are accountable for the analysis and any joint goals and priorities contained in the AFH. Regionally collaborating or joint program participants are also accountable for their individual analysis, goals, and priorities included in the joint or regional AFH. Joint and regional participants are therefore accountable for the joint portions of the AFH and their own individual portions, but are not responsible for the individual portions of their collaborating partners. A joint or regional AFH does not relieve each collaborating program participant from its obligation to analyze and address local and regional fair housing issues and contributing factors that affect fair housing choice, and to set priorities and goals for its geographic area to overcome the effects of contributing factors and related fair housing issues. Under the AFFH Rule, HUD may accept a joint or regional AFH for some program participants, but not accept the joint or regional AFH as to others.

### **3.3.4 Withdrawing from AFH Collaborative Agreements**

Program participants that withdraw from a joint or regional AFH collaborative arrangement must promptly notify HUD of the decision to withdraw. A prompt notification of withdrawal is critical because, for some program participants, the withdrawal will impact the date on which an AFH submission is due. HUD will work with the affected program participants to determine whether a new submission date is needed for either the withdrawing participant or remaining participants. As necessary, HUD will establish a new submission date that is as close to the original deadline as feasible, and no later than the original joint or regional AFH submission deadline, unless the program participant(s) demonstrates sufficient cause for an extension.

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## **3.4 Community Participation, Consultation, and Coordination**

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The AFFH rule requires community participation,<sup>23</sup> consultation, and coordination. While high-quality data and rigorous analysis are a central part of the new tool and rule, there are also many facets of a community that simply are not captured in data, no matter how fine-grained. Consequently, HUD recognizes the value of community participation, local data, and local knowledge, for informing the development of a successful AFH.<sup>24</sup>

*For the purposes of the rule, “community participation” means a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes. 24 C.F.R. § 5.152*

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If a program participant does not comply with the required community participation components, an AFH will be considered substantially incomplete and will not be accepted by HUD.

Community participation can have many benefits, including cost-effectiveness, instilling ownership and support of fair housing planning in the broader community, and building trust and relationships throughout the community.

### **Cost-effectiveness**

Community engagement bridges the gaps between current local needs and decisions about where and how to invest public dollars judiciously. By tapping into the local knowledge of

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<sup>23</sup> HUD regulations use the terms “Community Participation” when referring to the process for the AFH generally and “Citizen Participation” for the specific process required under the Consolidated Plan regulations.

<sup>24</sup> For further discussion of “local data” and “local knowledge” see Chapter 4 Section 4.1.3 of this Guidebook.

communities affected by policies, plans, and public investments, the community participation element of the AFH process can provide better, more effective and lasting solutions to complex fair housing challenges. Also, including the public at the start of the fair housing planning process, will increase the probability that the AFH is done right the first time, rather than drawing out the process by needing to make revisions farther down the line, and potentially conducting additional community participation processes as a result.

### **Ownership and support**

Particularly in the first round of AFH submissions, engagement will build crucial support for the resulting actions that will be incorporated into Consolidated Plans, PHA Plans, and other planning documents. Community members and stakeholders engaged at the beginning of the AFH development process will take ownership of the outcomes, and this gives the fair housing planning legitimacy and longevity.

### **Building trust and relationships**

What has contributed to some of the negative associations with public outreach and participation processes that exist on both sides? While the conditions in each community are unique, there are similarities based on HUD's experience working with communities of all sizes across the country. Public sector leaders sometimes find that a lack of trust can be an unexpected impediment to outreach and planning efforts. This distrust may be rooted in negative experiences with planning in the past or community members may simply have been absent or excluded from weighing in on decisions that impacted their daily lives, particularly low-income persons, communities of color, and persons with disabilities.

Program participants can avoid unintended consequences and conflict by understanding the history, context, and needs of a community, especially if specific community groups have not previously been involved in planning and decision-making processes. The community engagement requirement of the AFH process will help all program participants develop a greater awareness of racial, ethnic, cultural, economic, and other disparities that limit fair housing choice in a particular jurisdiction or region, and will integrate valuable local knowledge to help local officials understand why those disparities exist, and how to overcome them. The goal of community engagement in the development of the AFH is to create a product that is informed by and supported by the entire community and establishes a standard for inclusive decision making.

## **3.4.1 Community Participation and Consultation**

### **Community Participation**

The community participation elements defined in the AFFH regulations are merely a starting point for designing a meaningful community engagement process that reflects local conditions and enriches the final AFH. Program participants should consider vehicles beyond the public hearings to ensure communities are informed and involved in important decisions that will greatly impact their lives.

The community participation process is designed to engage the residents of the community or geographic area in which the program participant operates, populations affected by housing and fair housing decisions, investments, and challenges, and other interested parties in the development of the AFH. There is no requirement that the community be experienced in housing issues and/or fair housing issues.

The AFFH rule requires program participants to provide the public with reasonable opportunities for involvement in the development of the AFH and in the incorporation of the AFH into the Consolidated Plan, PHA Plan, and other related planning documents.<sup>25</sup> To ensure that these planning documents are informed by meaningful community participation, “program participants should employ communications means designed to reach the broadest audience.”<sup>26</sup>

If HUD finds that a program participant has not complied with the required community participation components, the AFH will be considered substantially incomplete and will not be accepted. Program participants must ensure that all aspects of the community participation process are conducted in accordance with fair housing and civil right laws, including title VI of the Civil Rights Act of 1964 and the regulations at 24 CFR part 1; section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8; and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable. See 24 C.F.R. § 5.158(a).<sup>27</sup> If HUD finds that a program participant did not comply with these requirements, the AFH will be considered substantially incomplete and will not be accepted.

### **Consultation**

In addition to community participation requirements, the AFFH rule provides for consultation. See discussion of community participation requirements in Section 3.4.3 of this Chapter for program specific programmatic requirements.

Some examples of groups that the program participant may wish to contact and request comments from or engage directly in the fair housing planning and implementation activities may include:

- State or local fair housing agencies and organization(s), including fair housing advocacy organizations, such as fair housing assistance program (FHAP) and fair housing initiatives program (FHIP) members;

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<sup>25</sup> 24 C.F.R. § 5.158(a)

<sup>26</sup> 24 C.F.R. § 5.158(a)

<sup>27</sup> 24 C.F.R. § 5.158(a)

- Housing organizations, such as public and private housing providers, state housing coalitions and affordable housing advocates, affordable housing developers, and community-based development organizations;
- Tenant organizations, including resident management corporations, resident councils, assisted housing resident organizations and advocates;
- Community-based organizations that represent protected class populations, including civil rights advocacy organizations (for example, disability advocacy organizations, such as independent living centers, state protection and advocacy organizations, and local or regional chapters of national organizations representing the interests of individuals with various disabilities, such as individuals who are deaf or blind);
- Faith-based organizations;
- Public and private agencies that provide social services, including those focusing on services to low-income populations, children, elderly persons, persons with disabilities, and homeless persons;
- Adjacent governments regarding priority non-housing community development needs and local government agencies with metropolitan-wide planning responsibilities regarding problems and solutions that go beyond a single jurisdiction (e.g. transportation, employment);
- Organizations relevant to the opportunity analysis, for example local school district leadership or parent groups or environmental justice groups;
- Philanthropic organizations;
- States and local universities;
- The Resident Advisory Board of the PHA operating in the jurisdiction and region;
- Realtors, property management companies, and lenders; and
- Local PHAs or other affordable housing providers, such as LIHTC agencies, concerning fair housing needs, planned programs, and activities.

In addition to consulting with the entities above, even if they are not collaborating on the AFH, program participants may wish to consult with one another to ensure their planning documents are consistent. For example, a PHA may wish to consult with the local jurisdiction to ensure its Annual Plan is consistent with the applicable Consolidated Plan. This may be particularly relevant to PHAs that at a later stage, will need a certificate of consistency with the Consolidated Plan.

### **3.4.2 Documenting the Community Participation Process in the AFH**

Program participants are required to document their community participation process in the AFH, including the effectiveness of outreach efforts and comments received.<sup>28</sup> The AFH must include:

- A description of the community participation process efforts made to broaden community participation in the development of the AFH. This should include a description of outreach activities, the dates of public hearings or meetings, media outlets used to reach typically underrepresented populations, and an explanation of how these efforts were designed to reach the broadest audience possible;
- A list of organizations consulted during the community participation process;
- A description of the success of eliciting meaningful community participation and reasons for low participation;
- A summary of the comments, views, and recommendations, received in writing, or orally at public hearings, during the community participation process, including a summary of any comments, views, and recommendations not accepted by the program participant and the reasons for non-acceptance.

### **3.4.3 Community Participation and Consultation Requirements**

Collaborating program participants must have a plan for community participation that complies with the requirements of the AFFH rule and applicable program regulations. The community participation process must include residents and other interested members of the public in the jurisdictions of each collaborating program participant, and not just those of the lead entity. The community participation process must be conducted in a manner sufficient for each Consolidated Plan program participant in a joint or regional AFH to certify that it is following its applicable Citizen Participation Plan, and for each PHA collaborating in a joint or regional AFH, to satisfy the notice and comment period requirements in 24 C.F.R. part 903.

To reach the broadest audience possible, the program participant should place meeting notices in various media outlets and, if applicable, in a variety of languages. Such communications requirements may be met, as appropriate, by publishing a summary of each document in one or more newspapers of general circulation, and by making copies of each document available on the Internet, on the program participant's official government website, and at libraries, government offices, and public places. Program participants should consult with local disability advocacy groups to identify the most effective ways to reach persons with different types of disabilities. Such groups are often willing to use their communication networks to provide notice of upcoming events of interest to the disability community. The program participant may choose to hold focus groups to gain feedback;

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<sup>28</sup> 24 C.F.R. § 5.154(d)(6)

enlist a FHIP and/or FHAP agency to hold forums to aid community members and groups in providing comprehensive and consolidated feedback; or may consider forming a task force that includes a representative from all of the stakeholders.

In addition to the community participation requirements at 24 C.F.R. §§ 5.154 and 5.158, conforming amendments to program regulations contain community participation and consultation requirements, and other civil rights related program requirements concerning outreach to persons with disabilities and the limited English proficient (LEP) population. In the AFFH context, these requirements focus on the local implementation of an inclusive process where community members, community based organizations, and program participants develop partnerships to undertake fair housing planning. Community participation requirements include:

### Consolidated Plan program participants

The Consolidated Plan program participant must follow the policies and procedures described in its applicable citizen participation plan, adopted pursuant to 24 C.F.R. part 91,<sup>29</sup> in the process of conducting the AFH, obtaining community feedback, and addressing complaints. Consolidated Plan program participants must update their Citizen Participation Plan to reflect the requirements of the AFFH rule.

Community consultation in the fair housing planning process requires program participants to reach out to and consult with other public and private agencies when conducting the AFH.<sup>30</sup> These program participants must consult with the agencies and organizations identified in consultation requirements at 24 C.F.R. part 91.<sup>31</sup> Those agencies and organizations the program participant must consult with include: other public and private agencies that provide assisted housing, health services, and social services (including those focusing on services for children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, or homeless persons), community-based and regionally-based organizations that represent protected class members, and organizations that enforce fair housing laws.

Consolidated Plan program participants must provide opportunities for community participation throughout the development of the AFH. There should be consideration of the location of the event and the time of day of the event to allow for maximum participation. Such considerations include selecting venues that are accessible to persons with disabilities and conveniently located in order to encourage broad attendance. At a minimum, consolidated program participants must:

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<sup>29</sup> 24 C.F.R. §§ 91.105, 91.115, and 91.401

<sup>30</sup> 24 C.F.R. §§ 91.100 and 91.110

<sup>31</sup> 24 C.F.R. §§ 91.100, 91.110, and 91.235

1. Make the HUD–provided data and any other data to be included in the AFH available to its residents, public agencies, and other interested parties;
2. Publish the proposed AFH in a manner that affords residents and other the opportunity to examine its content and submit comments;
3. Provide for at least one public hearing during the development of the AFH; and
4. Provide a period of not less than 30 calendar days to receive comments from residents of the community.
5. If submitting a revised AFH to HUD, the program participant must also provide for community participation before the revision is submitted.

### Public Housing Agency program participants

PHAs must consult with their Resident Advisory Boards or other resident organizations. PHAs must follow the policies and procedures described in 24 C.F.R. §§ 903.13, 903.15, 903.17, and 903.19 in the process of conducting the AFH, obtaining Resident Advisory Board and community feedback, and addressing complaints.

PHAs must also provide opportunities for community participation in several ways:

1. Publish a notice informing the public that information is available for review and inspection, and that a public hearing will take place (including the date, time, and location of the hearing);
2. Conduct a public hearing;
3. Consider the recommendations of the Resident Advisory Board(s);
4. Provide an opportunity for the submission of comments; and

Conduct reasonable outreach activities to encourage broad public participation in the development of the AFH.

### All Program Participants

**Effective Communication with Individuals with Disabilities.** To ensure individuals with disabilities have reasonable opportunities for involvement in the development of the AFH and its incorporation into planning documents, program participants must ensure that communications – in emails, web-postings, meetings, and paper format – are accessible. Program participants must ensure compliance with Section 504 of the Rehabilitation Act of 1973 and applicable implementing regulations, including 24 C.F.R. part 8, and the Americans with Disabilities Act of 1990, and applicable regulations, 28 C.F.R. parts 35 and 36. Generally, under these laws, program participants must ensure effective communication with individuals with disabilities.

**Auxiliary aids and services.** Program participants generally must provide appropriate auxiliary aids and services to ensure effective communication with individuals with disabilities. Auxiliary aids and services include but are not limited to qualified sign language and other interpreters, assistive listening devices, computer-assisted real time transcription of meetings, brailled materials, large print documents, accessible web-based and email communications, etc., to ensure effective communication with individuals with disabilities. Program participants must give primary consideration to the auxiliary aid or service requested by the individual with a disability. When providing materials via the Web, program participants must make these materials accessible by, for example, ensuring that such materials are in conformance with the World Wide Web Consortium’s (“W3C”) Web Content Accessibility Guidelines 2.0 to the Level AA success criteria (“WCAG 2.0 AA”).<sup>32</sup> The W3C also provides guidance on making electronic documents accessible and usable by individuals with disabilities, including the Guidance on Applying WCAG 2.0 to Information and Communications Technology (“WCAG2ICT”).<sup>33</sup>

Program participants must be sure community participation considers that individuals with disabilities may use a variety of auxiliary aids and services to participate. For example, deaf individuals may use sign language interpreters to communicate at meetings, while individuals who are hard of hearing may use computer-assisted real time transcription (CART) services or assistive listening devices. To communicate by telephone, individuals with speech and hearing disabilities may use teletypewriters (TTYs), also known as telecommunications devices for the deaf (TDDs). These services may be used in conjunction with the Federal Relay Service,<sup>34</sup> TTY users and non-TTY users can communicate through a third-party communications assistant. Individuals using the Federal Relay Service may also communicate via Internet Protocol Relay, which is similar to using a TTY, but instead relies on a web-based chat application, or Video Relay, which allows an individual with a disability and individual without a disability to communicate via a remote video interpreter.

**Conducting Hearings at Accessible Locations.** To provide equal access for persons with disabilities, program participants must conduct public hearings at locations that are physically accessible to persons with disabilities, including individuals who use wheelchairs. Program participants should also consider how to enable community participation by persons who are unable to travel to hearing locations for disability-related reasons. Options include enabling participation via telephone and web-based technology.

**Meaningful Access for Limited English Proficient (LEP) Individuals.** Program participants must take reasonable steps to afford LEP individuals with meaningful access to

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<sup>32</sup> WCAG 2.0 is available at <http://www.w3.org/TR/WCAG20/>.

<sup>33</sup> WCAG2ICT is available at <http://www.w3.org/TR/wcag2ict/>.

<sup>34</sup> The Federal Relay Service is available 24 hours a day as mandated under Title IV of the Americans with Disabilities Act (ADA). Dial 1-800-828-1140 for voice service, Dial 1-800-828-1120 for direct service, Dial 7-1-1 toll-free from mobile phones.

the community participation process as required by Title VI of the Civil Rights Act of 1964 and applicable regulations, including 24 C.F.R. part 1. It is important to ensure that written materials provided in English as a part of the community participation process also are provided in regularly encountered languages other than English in the jurisdiction and region. Program participants may need to provide interpreters to communicate between different languages to ensure that LEP persons have meaningful access during the community participation process, including at meetings and hearings. Program participants should consider holding meetings in languages other than English to provide direct communication and participation.<sup>35</sup>

#### **3.4.4 Best Practices for Meaningful Community Participation**

Community participation processes will differ depending on the local context. Each geographic area has its own assets and challenges; however, the following principles are widely applicable regardless of the diverse nature of these areas.

##### **Work with existing networks and community leaders**

While program participants may understand the value of community input, it can be daunting to engage marginalized populations for the first time and ensure an inclusive planning process. To strengthen the effectiveness of this process, program participants may find it useful to work through trusted networks of existing community-based organizations that serve and organize in diverse communities. Building relationships with local leaders may help illuminate barriers to engagement and ways to bridge the divide. Ask local elected officials for assistance in leveraging their networks and seek out relationships with underrepresented groups.

##### **Prioritize inclusivity and transparency**

Communicate what is being done and what will be done in the future. Use clear language and terminology that people can understand. When there are LEP persons in the jurisdiction, translate materials and provide interpretation at community meetings. Ensure that all announcements are in an accessible format and that meetings are held in physically accessible and easily accessed locations.

##### **Listen**

Hear out dissenters. Try to find out the root cause of people's concerns so that they may be addressed. Be aware of the historical roots of mistrust or misgivings in your community. Work with marginalized groups to identify any barriers to engagement and ways to promote inclusion. Build trust by attending community gatherings and cultural events as a participant to listen and learn.

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<sup>35</sup> For more information on Title VI requirements for communicating with LEP individuals, see the various resources available at [www.lep.gov](http://www.lep.gov).

**Build capacity**

Training, education, and technical assistance will facilitate participation and engagement by groups and organizations with limited bandwidth, experience, or resources. Capacity building will also equip the next generation of leaders and empower citizens to continue to speak for their community. HUD intends to provide technical assistance on ways to encourage participation by the groups that otherwise may not participate.

**Use tools and social media**

This is a time of innovation in technology and we can use it to our advantage for broad outreach. Employ technology and diverse media channels to engage different communities and set priorities for the AFH. New tools can also help move the planning process along and find common ground among diverse stakeholders. But remember, when using new technology, make sure that it is accessible so it does not exclude persons with disabilities.

**Consider alternative approaches**

Interactive and nontraditional approaches can be a useful way to expand your reach and build rapport.

**Constantly ask: “Who is missing?”**

Identify and figure out why certain voices and interests are absent from the conversation and find ways to bring them into the discussion.

**Consider designating a coordinating entity to oversee the community participation process**

This can be particularly useful when undertaking a joint or regional AFH.

**Keep accurate records of the views and recommendations being expressed**

Community participation is only effective when decision makers are aware of the views and recommendations being expressed. Also, an important part of the AFH is a summary of views and recommendations, including a discussion of why particular recommendations were not adopted.

**3.4.5 Tips for Planning Effective Outreach Events**

The following are tips for planning effective outreach events:

- Meet people where they are in terms of language, location, and time.
- Consider the structure of the meeting. Create an environment that is safe, open, and friendly to make people feel comfortable sharing information.

- Use a facilitator
- Make sure the meeting is accessible (both in terms of accessibility under the Americans with Disabilities Act as well as accessible by multiple modes of transportation).
- Translate materials and provide interpretation at meetings.
- Build incentives for engagement that reduce barriers to participation:
  - Consider working families with busy schedules and child care constraints
  - Offer meetings in the evenings and on weekends
  - Whenever possible, provide childcare, meals, transit passes, etc.
- Work through schools and parents' organizations.
- Youth can be an important bridge to parents in immigrant communities; however, under civil rights laws, program participants may not ask or expect youth to serve as interpreters for their parents during community participation.

The most important consideration when undertaking public outreach is to understand that engagement is a two-way street. Meaningful community participation is not top-down, perfunctory, or a requirement performed at the end of a planning process – program participants must be willing to adapt or change course in response to the input received at the various stages of the AFH development process. Transparency is essential: program participants should have an accountability structure with responsible parties and benchmarks for engagement to signal to community members that their input is valuable, their time is worthwhile, and decision makers will take all input into account when developing the AFH and making subsequent planning and investment decisions. All groups bring something new to the table, and having diverse and representational perspectives will ensure that the final AFH reflects the realities of local/on the ground conditions.

For additional best practices on community participation, see the [eCon Planning Suite Citizen Participation and Consultation Toolkit](#), HUD Sustainable Communities Initiative Resource Library [Equity and Engagement Resources](#), and PolicyLink's [Community Engagement Guide for Sustainable Communities](#).

### **3.5 Submitting an AFH to HUD**

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HUD will review AFHs based on the regulatory standards of review within 60 days of receipt of a program participant's AFH.<sup>36</sup>

#### **3.5.1 The Timeline for HUD Review of the AFH**

HUD will review each AFH to determine whether the program participant has met the requirements for providing an analysis, assessment, and goal setting, as set forth in 24 C.F.R. § 5.154(d) and to determine whether the submitted AFH meets all other requirements in 24 C.F.R. §§ 5.150-5.180. HUD will provide technical assistance to program participants, as needed, to assist them in achieving an AFH that is accepted by HUD.

#### **Accepted AFH**

Under the AFFH Rule, HUD has 60 days to review the submitted AFH. The AFH will be deemed accepted after 60 calendar days after the date that HUD receives the AFH, unless on or before that date, HUD has provided notification to the program participant(s) that HUD does not accept the AFH.

HUD's acceptance of an AFH means only that, for purposes of administering HUD program funding, HUD has determined that the program participant has provided an AFH that meets the required elements, as set forth in 24 C.F.R. § 5.154(d). Acceptance does not mean that the program participant has complied with its statutory obligation to affirmatively further fair housing under the Fair Housing Act; has complied with other provisions of the Fair Housing Act; or has complied with other civil rights laws and requirements.

In the case of a joint or regional AFH, HUD may not accept the AFH, with respect to one participant while accepting the AFH for the remaining participants. In this case, HUD's determination to accept or not accept the AFH with respect to one program participant does not necessarily affect the acceptance of the AFH with respect to another program participant. For example, the joint AFH may sufficiently analyze the data relevant to one program participant but not another program participant. Similarly, the goals for one participant may be sufficient but another participant's goals may not be sufficient because, for example, they do not have metrics or milestones.

#### **Non-Accepted AFH**

HUD will provide written notification if an AFH has **not** been accepted. The notification will state the reasons why HUD did not accept the AFH, how the program participant may resolve the non-acceptance, and a deadline by which the program participant must resubmit the revised AFH (not less than 45 calendar days from the date of the notification).

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<sup>36</sup> 24 C.F.R. § 5.162

HUD reviews an AFH for compliance with the requirements of the AFFH rule. The rule outlines two general standards for which HUD will not accept an AFH:

- The AFH is inconsistent with fair housing or civil rights requirements; or
- The AFH is substantially incomplete.

Within these two general standards, there are numerous reasons why HUD may not accept an AFH. An example of an AFH that is inconsistent with fair housing or civil rights requirements exists where HUD determines that the analysis of fair housing issues, fair housing contributing factors, goals, or priorities contained in the AFH would result in policies or practices that would operate to discriminate in violation of the Fair Housing Act or other civil rights laws. Another example of an AFH that is inconsistent with fair housing or civil rights requirements would be where the AFH does not identify policies or practices as fair housing contributing factors, even though they result in the exclusion of a protected class from areas of opportunity.

An example of an AFH that is substantially incomplete would be where the AFH was developed without the required community participation or required consultation, or where the AFH fails to satisfy an element of the AFFH rule. Failure to satisfy a required element includes an AFH in which priorities or goals are materially inconsistent with the data or other evidence available to the program participant, or an AFH in which priorities or goals are not designed to overcome the effects of contributing factors and related fair housing issues.

### **Revisions and Resubmission of a Non-accepted AFH**

For an AFH that is not accepted by HUD, program participants will have at least 45 calendar days from the date on which HUD provides written notification that it does not accept the AFH to submit a revised AFH to HUD via the web-based Assessment Tool. HUD will review this AFH and the revised AFH will be deemed accepted 30 days after the date that HUD receives it, unless HUD provides written notification of non-acceptance within 30 days after the date of receipt. If the revised AFH is not accepted, the program participant will be required to revise the AFH again. When possible, HUD will provide technical assistance to program participants to help them in achieving accepted AFHs so that funding will not be compromised. However, it is the responsibility of the program participant to submit an AFH that is accepted by HUD.

### **3.5.2 After the AFH has Been Accepted**

#### **Incorporation into Subsequent Planning Processes**

The AFFH rule establishes specific requirements for the incorporation of the priorities and goals identified in the accepted AFH into subsequent Consolidated Plans and PHA Plans. This requirement is to help ensure that Consolidated Plans and PHA Plans reflect and implement the program participant's fair housing priorities and goals.

#### Consolidated Plan Program Participants

Program participants that submit a Consolidated Plan are required to incorporate the fair housing goals identified in the AFH in both their strategic plan and annual action plan. Program participants must incorporate meaningful fair housing actions into subsequent plans by:

**Strategic Plans.** Identifying strategies to achieve the fair housing goals set in the AFH, which will address the contributing factors and related fair housing issues. For AFH goals not addressed by these priorities and objectives, identify any additional objectives and priorities for affirmatively furthering fair housing.<sup>37</sup>

**Annual Action Plans.** Committing to actions and allocating funds, as needed, to follow through on the strategies set in the Consolidated Plan in order to achieve fair housing priorities and goals set in the AFH by overcoming identified fair housing issues and contributing factors.<sup>38</sup>

This approach enables planned, measureable outcomes so as to allow for more efficient reporting of achievement and tracking in the Consolidated Annual Performance Evaluation Report.

### Public Housing Agency Program Participants

A PHA that conducts and submits its own AFHs is encouraged to coordinate with the local government responsible for preparing a Consolidated Plan. Effective coordination may increase the likelihood that the local government's strategic plan and annual action plan will include actions needed to address the fair housing goals identified in the PHA's AFH. Such coordination may therefore help a PHA to achieve those goals.

PHAs are required to incorporate the fair housing priorities and goals identified in their AFH into their PHA Plans, including five year plans and annual plans. PHAs are encouraged to coordinate with other program participants, such as local governments, States, or other PHAs, to ensure their plans include strategies and actions that meaningfully advance the PHA's fair housing goals.

### Revisions to an Accepted AFH

There are certain situations, set out in the AFFH rule, in which a program participant must revise an AFH that has been accepted by HUD before the beginning of the next planning cycle.<sup>39</sup> For example, a Presidentially-declared disaster may be of such magnitude that it significantly impacts the information on which the program participant's AFH is based.

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<sup>37</sup> The requirements for describing the priorities and specific objectives that further AFH goals is detailed in 91.215 (local governments), and 91.315 (States); and 91.415 (consortia).

<sup>38</sup> 91.220(k)(1) (local governments); 91.320(j)(1) (States); and 91.420(b) (consortia)

<sup>39</sup> 24 C.F.R. § 5.164

Revisions to the AFH are subject to community participation requirements<sup>40</sup> and must be submitted to HUD upon completion.<sup>41</sup> Please note that, because the scope of these required revisions is not necessarily the same as the development of a full AFH, as discussed below, the required revision of AFHs due to special circumstances will not change the submission date for the next AFH that is due in accordance with the planning cycle for the Consolidated Plan or the PHA Plan.

Revisions to an accepted AFH are required under the following circumstances:

- **Material Change Occurs.** A material change occurs when a significant event or change in circumstance alters the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals no longer reflect actual circumstances. Material changes may include presidentially declared disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,<sup>42</sup> significant demographic changes, new significant contributing factors in the jurisdiction, and civil rights findings, determinations, settlements, or court orders.

Revisions following material changes must be submitted to HUD within 12 months after the onset of the material change. However, revisions following a Presidentially declared disaster may be submitted up to 2 years from the disaster declaration date. HUD may consider extensions upon a request for good cause shown.

- **Upon Written Notification by HUD of a Material Change.** HUD may provide written notification to a program participant identifying a material change that HUD believes warrants revisions to the AFH. In this case, HUD will provide a deadline for the submission of a revised AFH, taking into account the material change, the program participant's capacity, and the need for a current and accepted AFH to guide planning activities. HUD may extend the due date upon written request by the program participant that describes the reasons the program participant is unable to make the deadline.

If a program participant disagrees with HUD's request for revisions, within 30 days of the HUD notification, the program participant may advise HUD in writing of its belief that a revision to the AFH is not required. The program participant must state with specificity the reasons for its belief that a revision is not required. HUD will respond on or before 30 calendar days following the date of the receipt of the program participant's correspondence and will advise the program participant in writing whether HUD agrees or disagrees with the program participant. If HUD disagrees, the program participant must proceed with the

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<sup>40</sup> 24 C.F.R. § 5.164(c)

<sup>41</sup> 24 C.F.R. § 5.164(d)

<sup>42</sup> 42 U.S.C. 5121 *et seq.*

revision. HUD may establish a new due date later than the date specified in its original notification.

**Scope of Required Revisions.** When a program participant is required to submit a revised AFH based on a material change,<sup>43</sup> the revised AFH must include the amended analyses, assessments, priorities, and goals that take into account the material change, including any new fair housing issues and contributing factors that may arise as a result of the material change. A revision does not necessarily require the submission of an entirely new AFH. It need only focus on the material change and appropriate adjustments to the analyses, assessments, priorities, or goals. However, revised AFHs are subject to the requirements of the AFFH rule, including community participation requirements.

**Optional Revisions.** Program participants may choose to revise their accepted AFH. The revision is subject to the community participation requirements and must be submitted to HUD for review.

Depending on the revisions made, HUD may treat the revised AFH as a new AFH and will review the AFH within 60 days.

### 3.5.3 Recordkeeping

Program participants must establish and maintain sufficient records to enable HUD to determine whether the program participant has met the requirements of the AFFH rule.<sup>44</sup> All program participants are required to make these records available for HUD inspection. At a minimum, program participants must maintain the following records:

- Information and records relating to the program participant's AFH and any significant revisions to the AFH, including, but not limited to, statistical data, studies, diagnostic tools, policies, and procedures, or other documents relating to the preparation of the AFH.
- Records demonstrating compliance with the consultation and community participation requirements of 24 C.F.R. §§ 5.150 through 5.180 and applicable program regulations, including a list of the organizations involved in the development of the AFH, summaries or transcripts of public meeting or hearings, written public comments, public notices and other correspondence, distribution lists, surveys, and interviews, as applicable.
- Records demonstrating the actions the program participant has taken to affirmatively further fair housing, including activities carried out in furtherance of the assessment; the program participant's AFFH goals and strategies set forth in its AFH, Consolidated Plan, PHA Plan, and any plan incorporated therein; and the actions the

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<sup>43</sup> 24 C.F.R. § 5.164

<sup>44</sup> 24 C.F.R. §§ 5.150-5.180

program participant has carried out to support or promote the goals identified in accordance with 24 C.F.R. § 5.154 during the preceding 5 years.

- Where courts or an agency of the United States Government or of a State government has found that the program participant has violated any applicable nondiscrimination and equal opportunity requirements set forth in 24 C.F.R. § 5.105(a) or any applicable civil rights-related program requirement, documentation related to the underlying judicial or administrative finding and affirmative measures that the program participant has taken in response.
- Documentation relating to the program participant's efforts to ensure that housing and community development activities (including those assisted under programs administered by HUD) are in compliance with applicable nondiscrimination and equal opportunity requirements set forth in 24 C.F.R. § 5.105(a) and applicable civil rights related program requirements.
- Records demonstrating that consortium members, units of general local government receiving allocations from a State, or units of general local government participating in an urban county have conducted their own or contributed to the jurisdiction's assessment (as applicable) and document demonstrating their actions to affirmatively further fair housing.
- Any other evidence relied upon by the program participant to support its affirmatively furthering fair housing certification.

All records must be retained for such period as may be specified in the applicable program regulation.

## 4. Using the Assessment Tool to Complete an AFH

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This chapter provides guidance on using the Assessment Tool to complete an AFH. The Assessment Tool conveys the required analysis and content for an AFH to meet the fair housing planning requirements set forth in 24 C.F.R. §§ 5.150 through 5.180. The Assessment Tool guides program participants through an assessment of key fair housing issues and contributing factors in their jurisdictions and regions, including what data to use in the assessment. It also guides program participants through the process of setting meaningful fair housing goals and priorities.

*For the purposes of the AFFH rule, “Assessment Tool” collectively refers to any forms or templates and the accompany instructions provided by HUD that program participants must use to conduct and submit an AFH pursuant to § 5.154. HUD may provide different Assessment Tools for different types of program participants. 24 C.F.R. § 5.152*

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The content required in all the AFHs can be found at 24 C.F.R. § 5.154. Generally, an AFH will include:

- Summary of fair housing issues and capacity;
- Analysis of HUD-provided data, local data, and local knowledge;
- Assessment of fair housing issues and contributing factors; and
- Identification of fair housing priorities and goals.

The content generally required in the AFFH rule is outlined more specifically in the applicable Assessment Tool for each program participant. The Assessment Tool includes instructions that outline the data sources to be used to answer the questions specified. The questions in the Assessment Tool require an analysis of fair housing issues, an identification of significant fair housing contributing factors, and the setting of fair housing priorities and goals.

A key component of the Assessment Tool is the instructions, which describe the HUD-provided data sources program participants must use to respond to the questions and prompts within the AFH. The Assessment Tool and HUD-provided data will be used by various types of program participants, which may have unique characteristics, issues and challenges. Certain HUD-provided data may have limitations, including limitations in how they apply to geographic areas with different characteristics (e.g., rural,<sup>45</sup> urban, suburban, majority

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<sup>45</sup> For discussion of fair housing planning in rural areas, see [The Fair Housing and Equity Assessment in Rural and Smaller Metropolitan Regions](#).

minority areas). For this reason, program participants must supplement the HUD-provided data with local data and local knowledge outlined in 24 C.F.R. § 5.152 and discussed below. The following sections provide guidance on required HUD-provided data and use of local data and local knowledge when completing the Assessment Tool.

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### 4.1 Analysis of Fair Housing Data

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The AFFH rule requires the analysis of data to complete the Assessment of Fair Housing.<sup>46</sup> Program participants must use HUD-provided data and must supplement this data with local data and local knowledge when it meets the criteria under 24 C.F.R. § 5.152, and as more fully explained in the Assessment Tool Instructions.

HUD is providing maps and tables to be used in completing the Assessment Tool.<sup>47</sup> Maps are great tools to visualize data and tables are necessary accompaniments to display and represent the data contained in the maps. Data should be used to assess a geographic area's fair housing issues and contributing factors and to set fair housing priorities and goals. Data must be assessed across geographic areas—locally and regionally—and provides benchmarks to facilitate the measuring of trends and changes over time.

HUD is providing maps and tables with both jurisdiction-level and region-wide information. In fact, even if the program participant is not collaborating with other entities in a joint or regional AFH, the AFH requires a local and regional analysis. A regional analysis is essential since demographic trends do not end, for example, at a city's border but extend across entire regions. In addition, PHAs may have unique services areas that do not coincide with jurisdictional boundaries. Considering the jurisdictional and regional maps and tables together may help program participants examine whether adjacent communities influence housing demand or housing patterns within the jurisdiction through the use of zoning codes, occupancy standards and other laws relating to housing and community development. For example, if a neighboring community imposes more restrictive occupancy standards, many families with children may be constrained from having wider access to housing opportunities in the region. Differences in the availability, quality, and accessibility of other amenities across a region, such as public transportation, schools, groceries, jobs, sidewalks, and water, sewer, and sanitation services, also can limit housing choice. By using the jurisdiction-level and regional maps and tables in combination with local data and local knowledge, program participants can identify the relevant contributing factors for each subject of analysis.

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<sup>46</sup> 24 C.F.R. § 5.154

<sup>47</sup> HUD will periodically make improvements and updates to the data.

### Fair Housing Planning in Rural Areas

In general, a rural area is a geographic area located outside of towns or cities. HUD-provided data is a good starting point for analysis in the AFH, but rural communities may require unique strategies for fair housing planning, including:

- **Leveraging local data and local knowledge.** Utilize input from community participation process, administrative records, and other local data and local knowledge sources. Community consultation may be challenging in rural areas where, in contrast to large more urban regions, there were very few groups (or organizational infrastructure) to represent protected class populations.
- **Knowing the limitations of HUD-provided data.** For example, census tracts may be less useful in areas where those tracts span hundreds of square miles. Generally in rural areas, poverty is more dispersed and segregation patterns often include fewer people of color. Due to these demographic differences, some rural areas may want to explore how to define R/ECAPs in their areas.
- **Highlighting a regional analysis.** Regional data, such as data on disparities in access to opportunity, may be useful in determining whether rural areas are disconnected from areas of opportunity.

### **Fair Housing Planning in Areas that are Predominantly Black, Asian, Hispanic, and/or Native American**

Areas that are predominantly Black, Asian, Hispanic, and/or Native American are often called “majority minority” areas. “Majority minority” is a term that refers to those areas in which the population is predominantly Black, Asian, Hispanic, and/or Native American. HUD-provided data is a good starting point for analysis in the AFH, but majority minority communities may require unique strategies for fair housing planning, including:

- **Leveraging local data and local knowledge.** Utilize input from the community participation process, making a special effort to engage those groups historically marginalized. Administrative records and other local data and local knowledge sources may be useful.
- **Knowing the limitations of HUD-provided data.** Segregation in predominantly Black, Asian, Hispanic, and/or Native American areas is often a reality. Due to the concentration of minority groups in these areas, some majority minority areas may want to explore how to define R/ECAPs in their areas. Special attention should be paid to assessing patterns of integration among the various populations that live in the area. It is important to note that segregation in the form of ethnic enclaves is often viewed in a more nuanced manner than other types of segregation. For example, the concentration of tribal communities on reservations is often seen as an asset to supporting tribal culture and economy.
- **Highlighting a regional analysis.** Regional data may be useful to draw comparisons. For example, data on disparities in access to opportunity may be useful for thinking about disparities in access to opportunity for protected classes living in majority minority areas.

### 4.1.1 Analyzing HUD-Provided Maps

Maps are very helpful in visualizing data. Examples of HUD-provided maps include maps showing racially and ethnically concentrated areas of poverty, dot density maps showing the geographic dispersion of different racial and ethnic groups, and thematic maps showing disparities in the location of proficient schools across the jurisdiction and region. The maps provided show Census tract boundaries and the borders of the jurisdiction and pre-defined region. Census tracts come in a variety of sizes and may not correspond to the zip code or neighborhood boundaries used in local planning. While the maps do not display neighborhood boundaries, program participants are encouraged to reference commonly used neighborhood names and boundaries in analyzing and reporting on the information in the maps in their AFHs. In addition to the Census tract boundaries, most of the maps include a “dot density” layer designed to show the distribution of people with common characteristics, such as race/ethnicity or national origin. Some maps also show the distribution of publicly supported housing developments by housing category.

When using the dot density and thematic maps to complete the AFH, program participants should keep in mind the following:

- Census tracts may include areas that are not residential, such as industrial areas, rivers, parks and large infrastructure, such as airports. Because the mapping application spreads the dots across the tract, the few residents in the tract may appear to be distributed over the whole area, including non-residential spaces. These tracts will appear to be lower density than the actual density of the populated areas.
- Study the map for general trends of where people within each racial/ethnic group, country of national origin, or language group live, or where opportunity indicators are located. Identify whether specific groups or opportunity indicators are more dispersed or concentrated.
- Use common neighborhood and area names when describing trends in maps. These types of locally-recognized geographic boundaries are more likely to coincide with residential demographic patterns than census tract boundaries. This may also better engage the community by helping connect the data to their experiences.
- Read the legend carefully to clarify what the color scheme represents. For example, on dot density maps showing LEP persons, only the five most populous language groups are shown. This could lead to an underrepresentation of a group of interest, especially in areas of particularly high diversity. This is true for both the maps showing LEP and country of origin. In addition, the thematic maps depicting the opportunity indices are expressed in gradations of a color with the various shades representing values ranging from 0-100% with lighters areas indicating least access and darker areas indicating greater access.
- Compare different maps to draw connections. For example, look at the race/ethnicity dot density maps to identify areas of overlap, isolation, and the lines between these spaces. Areas with multiple colors of dots together indicate potential areas of

mixing/integration. Consider the extent of the integration and whether it involves only racial or ethnic minorities. Areas with dots of one color or one overwhelmingly predominant color are likely segregated. Clusters of same-colored dots may suggest enclaves. Sharp boundaries between dot color groups may be evidence of segregation, where a “blur” of mixed colors may be a sign of integration. Compare these patterns to trends identified in the thematic maps related to access to opportunity to determine which groups may be lacking access to certain types of opportunity based on their race, national origin, disability, or other protected characteristic.

- When interpreting the dot density maps, be aware that the dots represent a range of values, rather than an exact number. For example, if the value is set to 75, a dot may represent a person count of between 50 and 100 people. Groups that are smaller than the range will not be captured and, therefore, will not appear on the map. Also, note that the AFFH Data and Mapping Tool allows the user to adjust the number of people represented by each dot. This feature can be very useful as a way of better understanding what the data are showing. Try adjusting the dot values on the maps to get a sense of what the map looks like at 50 people per dot, 25 people per dot, or even 1 person per dot. Looking at these different visualizations gives a better sense of where similarly colored dots (and the people represented by the dots) are clustered. When small values (such as 1 or 5) are assigned to each dot, the dots can show clusters of residents with similar characteristics that are not visible with higher values. However, the dots can also merge together, making it difficult to make out distinct patterns. When larger values are assigned to each dot (such as 50 or 75), the dots are more spread apart, giving more distinction, but they will not show smaller clusters.
- Consider the maps together with the tables. While maps can be helpful for visualizing data, tables can allow for more detailed analysis.

While maps are great tools in visualizing data, the data provided in tables may be more useful for certain analyses.

### **4.1.1 Analyzing HUD-Provided Tables**

Examples of HUD-provided tables include the percentages of various races in a jurisdiction and region, the number of public housing units within a jurisdiction, and the number of residents with a particular type of disability in a jurisdiction and region. As program participants use the provided tables, they should consider the following:

- When reviewing a table, readers should take time to familiarize themselves with the information, paying particular attention to titles, headings and subheadings, the categories displayed and the units being presented. In their initial review of a table, readers also should take into account any explanatory notes. In reviewing each table, readers should consider what information the table provides as well as what information it does not provide. For example, a table that lists demographic information for a jurisdiction or region will be helpful in describing the current

- population. However, if the program participant wants to describe demographic change over time, reference to one or more additional tables may be required.
- Tables are arranged with numbers grouped in rows and columns to make it easy to read and interpret data. For example, many tables show the protected characteristics of persons or households listed by race/ethnicity groups (White Non-Hispanic, Black Non-Hispanic, Hispanic, Asian or Pacific Islander, and Native American). The tables often show both the total number of persons and the percentage for each group compared to the overall population. This is intended to make it easy for the reader to compare across and between the rows and columns.
  - Program participants should be watchful for “outliers” – one or more data points that are much higher or lower than similar data points. Outliers can signal the need for additional context that might not be provided by the table (in this instance program participants may find local data, local knowledge, and community participation particularly useful). For example, there may be twice as many people who are elderly residing in HUD’s “Other Multifamily” housing than any other type of publicly supported housing in a region. This outlier could potentially be explained by the fact that “Other Multifamily” units include properties funded through the Supportive Housing for the Elderly program (Section 202). If the housing is not lawfully designated to serve the elderly, it could also signal a possible fair housing issue, such as a policy that illegally excludes families with children.
  - In some instances, data will be presented as indexed numbers. An indexed number combines a number of related factors into a single value, offering a simple measure between 0 and 100 to describe the overall impact of those factors. For example, the Low Poverty Index captures poverty in a given neighborhood. The index is based on the poverty rate at the census tract level. The opportunity indices produce a number between 0 and 100 that describes the relative degree to which a neighborhood offers features commonly viewed as important community assets such as education, employment, and transportation, among others. Neighborhoods with higher values generally have better access to opportunity assets, or alternatively less exposure to negative phenomenon. Alternatively, in the case of the Low Poverty Index and the Environmental Health Index, a high value indicates better conditions and less exposure to poverty or environmental hazards respectively. Readers can find detailed information about these indices, including the factors they measure, in the accompanying [Data Documentation](#).

It is important for readers to consider changes in the proportion of a population represented by a subgroup, as well as the changes to the actual number of people in a subgroup. For example, the number of Black individuals in a region may be unchanged from 2000 to 2010 but if the overall population of the jurisdiction has declined, the share of the population that is Black will have increased. If focused only on the absolute numbers, a reader would miss an important change in the composition of the population.

Some tables present a number of different types of data. Not all of these data sets can be compared to one another, because individual residents may be included in multiple data sets. For example, if a table shows that there are one million females and two million people age 18-64 in a region, it's not appropriate to say there are one million more 18-64 year olds than females since some of those 18-64 year olds are females. Readers should take care in making comparisons to ensure the different types of data are comparable.

### 4.1.2 Using Local Data and Knowledge

The rule provides for program participants to supplement data provided by HUD with local data and local knowledge. Local data must be used to supplement HUD provided data and HUD requires program participants to include such data in their AFH. Local knowledge includes, among other things, any information obtained through the community participation process. Local data and knowledge provide local context for the HUD-provided data, and can be a valuable means of supplementing the HUD-provided data and is important for providing context in an AFH.

*For the purposes of the AFFH rule, “local data” refers to metrics, statistics, and other quantified information, subject to a determination of statistical validity by HUD, that are relevant to the program participant’s geographic areas of analysis, can be found through a reasonable amount of searching, are readily available at little or no cost, and are necessary for the completion of the AFH using the Assessment Tool. 24 C.F.R. § 5.152*

*For the purposes of the AFFH rule, “local knowledge” means information to be provided by the program participant that relates to the program participant’s geographic areas of analysis and that is relevant to the program participant’s AFH, is known or becomes known to the program participant, and is necessary for the completion of the AFH using the Assessment Tool. 24 C.F.R. § 5.152*

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Through the provision of HUD-provided data and the inclusion of local data and local knowledge, this rule balances burden and the need for a comprehensive assessment of fair housing. HUD is not requiring local data to be compiled or obtained if it does not exist (although doing so is not prohibited and may be helpful), but where useful data exists, is relevant to the program participant’s geographic area of analysis, and is readily available at little or no cost, the rule requires that it be considered. Local data and local knowledge can be particularly helpful when the program participant has local data that are more up-to-date or more accurate than the HUD-provided data, or when the HUD-provided data do not cover all of the protected classes that are required for a fair housing analysis.

HUD is only able to provide data for those protected classes for which nationally uniform data are available. For this reason, some questions focus on specific protected classes based on the availability of such data. For those questions, local data and local knowledge—including information obtained through the community participation process—may provide information to supplement the analysis for protected classes not covered by the HUD-

provided data. HUD has also created a space in each section of the Assessment Tool for program participants to provide their analysis of other protected classes for which nationally uniform data does not exist.

Examples of methods used to obtain local data and knowledge may include:

- Consultation with local or regional universities, who may have relevant research or reports.
- Consultation with other public and private agencies, which may have relevant data or knowledge.
- Consultation with local community-based organizations, which may be willing to share administrative data, survey results, or descriptive statistics to further analyses based on the HUD-provided data in the AFFH Tool.

To supplement the HUD-provided data, program participants should consider if the following resources may be relevant to a program participant's AFH:

- Relevant demographic data or program-related data maintained by the program participant, another public agency, or another entity, including local government open-source data portals.
- Administrative data sources.
- School-related data, such as data from [Great Schools](#), the [Institute of Education Sciences](#), or the [National Center for Education Statistics](#).
- National databases, such as the U.S. Census Bureau's data on [Group Quarters](#), Department of Treasury's [Community Development Financial Institution's Information Mapping System](#), the EPA's [Environmental Justice Screening and Mapping Tool](#), the [General Services Administration's Data website](#), and [HUD's own resources](#).
- [National Neighborhood Indicators Partnership](#) (NNIP) national data set of small area data.
- Land use and zoning information, including: zoning data and maps; residential and commercial building permit data; city, county and regional planning offices and websites.
- Data regarding the number of persons with disabilities living in institutional settings, which can be obtained from State agencies, such as Medicaid agencies, agencies serving persons with mental illnesses and persons with intellectual and developmental disabilities.

Examples of local knowledge that may be relevant to fair housing planning include, but are not limited to:

- Major redevelopment plans, including community-based revitalization efforts, transit-oriented development initiatives, and information about the neighborhoods in the jurisdiction and region that are most in need of revitalization;
- State and local laws, regulations, and processes, such as occupancy, land use, and zoning codes, ordinances, regulations, and procedures, as well as comprehensive planning or zoning updates;
- Efforts to preserve publicly-supported housing and information about the need for such housing by members of different protected classes;
- Changes to public housing, including demolition or disposition application proposals and Rental Assistance Demonstration (RAD) conversion applications;
- Changing community living patterns in the jurisdiction or region, such as neighborhoods subject to gentrification where affordable housing may be at risk, neighborhoods impacted by large numbers of foreclosures, and increased demands on public transportation or schools;
- Information about the people who reside in the jurisdiction or region, such as information about the numbers of persons with disabilities, the types of disabilities they have, and their need for disability-related services and for accessible housing;
- Source of income ordinance campaigns and inclusive housing provision campaigns;
- Efforts to integrate individuals with disabilities housed in segregated settings through an *Olmstead* plan or agreement, and the resulting demand for housing to accommodate these individuals;
- The provisions of applicable Qualified Allocation Plans (QAPs) for Low Income Housing Tax Credits (LIHTCs) and the location and populations to be served by planned developments financed with LIHTCs;
- Plans to build, renovate, or demolish schools, libraries, parks, community gardens, recreation centers, transportation assets, etc.; and
- Local history on fair housing issues and the capacity of fair housing outreach and enforcement efforts in the jurisdiction and region.

The community participation process can be a valuable source of local data and local knowledge. The community participation process can substantially reduce the burden of obtaining local data and local knowledge by making it readily available to program participants conducting an AFH. Program participants are required to consider information received through community participation.

Note that local data includes certain qualifiers within its definition—the metrics, statistics, and other quantified information:

1. Are subject to a determination of statistical validity by HUD;
2. Are relevant to the program participant’s geographic areas of analysis;
3. Can be found through a reasonable amount of searching;
4. Are readily available at little or no cost; and
5. Are necessary for the completion of the AFH using the Assessment Tool.

Local knowledge has its own set of qualifiers. Local knowledge, as defined in the AFFH rule, is information that:

1. Relates to the program participant’s geographic areas of analysis and that is relevant to the program participant’s AFH;
2. Is known or becomes known to the program participant; and
3. Is necessary for the completion of the AFH using the Assessment Tool.

The local data and local knowledge gained through community participation may include such information that is relevant to different parts of their AFH – e.g., the Fair Housing Analysis section, the Community Participation Process section, or an attached appendix to the AFH. The User Interface provides program participants an option to upload documents, so extensive or lengthy comments can be attached. Program participants are not required to incur substantial costs or staff hours to review and consider data received via the community participation process. Program participants should use reasonable judgment in deciding what supplemental information from among the numerous sources available would be most relevant to their analysis. HUD does not expect program participants to hire statisticians or other consultants to locate and analyze all possible sources of local data. At the same time, a program participant may not ignore local data and local knowledge that are relevant and necessary to the completion of their AFH.

## 5. Content of the AFH

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This section provides guidance on the Assessment Tool developed for use by local governments that receive CDBG, HOME, ESG, or HOPWA formula funding from HUD, and for joint and regional collaborations between local governments and one or more local governments with one or more public housing agencies. This Assessment Tool outlines the required prompts and questions and includes instructions for the AFH and includes the following:

- I. Cover Sheet
- II. Executive Summary
- III. Community Participation Process
- IV. Assessment of Past Goals and Actions
- V. Fair Housing Analysis
  - A. Demographic Summary
  - B. General Issues
    - i. Segregation/Integration
    - ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)
    - iii. Disparities in Access to Opportunity
    - iv. Disproportionate Housing Needs
  - C. Publicly Supported Housing Analysis
  - D. Disability and Access Analysis
  - E. Fair Housing Enforcement, Outreach Capacity, and Resources
  - F. Fair Housing Goals and Priorities

The process outlined in the AFFH rule and the Assessment Tool is designed to help program participants make informed and effective decisions about how best to meet their obligation to affirmatively further fair housing under the Fair Housing Act. The following sections provide discussion and guidance on each section of the AFH.

Program participants are expected to answer each question in the Assessment Tool. However, HUD recognizes that for questions for which HUD is not providing data, there may be circumstances in which a program participant has no local data or local knowledge,

including information obtained through community participation or consultation that is relevant to the question. In those rare instances, the program participant must still answer the question by stating that it has no local data or local knowledge it can use to answer the question. Where HUD has not provided data for a specific question in the Assessment Tool and program participants do not have local data or local knowledge that would assist in answering the question, program participants are expected to note this rather than leaving the question blank.

**Different program participants may work through the Assessment of Fair Housing in different ways.**

Depending on each program participant's familiarity with fair housing planning and personal planning style, each program participant may choose to complete the required components of an Assessment of Fair Housing in a variety of ways.

For example, while the AFFH rule requires that program participants identify significant contributing factors for each fair housing issue, prioritize such factors, and justify the prioritization of the contributing factors that will be addressed in the program participant's fair housing goals, it does not specify a specific process for meeting these requirements. Program participants may choose to undertake this requirement in a variety of ways.

For instance, while contributing factors are listed after each fair housing analysis section, the program participant may wish to read through the entire list of contributing factors prior to analysis to inform their assessment of fair housing issues. Alternatively, a program participant may wish to conduct the entire fair housing analysis, and then assess what contributing factors affect the fair housing issues relating to each section of the analysis. Or the program participant may choose to assess contributing factors as they complete each fair housing analysis section as the Assessment Tool provides.

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## 5.1 Cover Sheet

Each AFH includes a cover sheet that provides identifying information for the program participant(s) submitting the AFH. The cover sheet includes basic information, such as the submission date, the name of the submitter, the type of submission (e.g., single program participant or joint or regional submission), the type of program participant(s) (e.g., Consolidated Plan participant, PHA), the time period covered by the assessment, and whether the submission is an initial, amended, or renewal AFH. The cover sheet also contains the required certifications and places for the program participants' representatives to sign and date the AFH.

## 5.2 Executive Summary

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This section of the AFH includes an Executive Summary. Program participants are encouraged to first complete the analysis and goal-setting portions of the AFH and then summarize the key findings and the assessment of goals in the Executive Summary.

There is no prescribed format for the Executive Summary so program participants may complete this section by summarizing their findings and goals in the manner they judge most effective.

*AFH Prompt(s): Summarize the fair housing issues, significant contributing factors, and goals. Also include an overview of the process and analysis used to reach the goals.<sup>48</sup>*

Program participants must summarize the content of the AFH, including the fair housing issues, significant contributing factors, and goals and include an overview of the process and analysis used to reach the goals.

## 5.3 Community Participation Process

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This section of the AFH includes a description of the AFH community participation process.

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<sup>48</sup> Please note, these italicized pieces titled “AFH Prompt(s) appear throughout chapter 5 and quote required analyses directly from the Assessment of Fair Housing.

The Community Participation Process section consists of four parts.

Part 1 requires a description of outreach activities undertaken to encourage broad and meaningful community participation. This includes: (1) Identification of media outlets used, including efforts to reach populations underrepresented in the planning process; (2) an explanation of how these efforts are designed to reach the broadest audience possible; and (3) for PHAs, identify your meetings with Resident Advisory Boards.

Part 2 requires a list of organizations consulted during community participation.

Part 3 requires an evaluation of the community participation efforts in achieving meaningful participation.

Part 4 requires a summary of all comments obtained in the community participation process, including a summary of any comments, views, and recommendations not accepted and the reasons why.

*AFH Prompt(s): Describe outreach activities undertaken to encourage and broaden meaningful community participation in the AFH process, including the types of outreach activities and dates of public hearings or meetings. Identify media outlets used and include a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs, persons who are limited English proficient (LEP), and persons with disabilities. Briefly explain how these communications were designed to reach the broadest audience possible. For PHAs, identify your meetings with the Resident Advisory Board.*

The AFH must outline the outreach activities undertaken to encourage and broaden meaningful participation including the types of outreach activities and dates of public hearings or meetings. The AFH must include a brief explanation of how communications were designed to reach the broadest possible audience. The AFH must explain how the program participant(s) provided meaningful access to LEP persons during meetings and outreach activities, such as through interpreters and translation of documents, and what steps the program participant(s) took to ensure effective communication with individuals with disabilities during such events, such as through the use of auxiliary aids and services (e.g., sign language interpreters, real-time captioning, large print and braille documents, etc.).

This section of the AFH must identify media outlets used and include a description of efforts made to reach the public, including those representing populations typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs, LEP persons, and persons with disabilities. This section of the AFH should describe why certain media and outreach methods were chosen. Examples of outreach activities program participant(s) should describe might include whether mailers or inserts were used, flyers were posted in communities in languages other than English, representatives visited communities

to share information, postings were made in newspapers in an effort to obtain participation by members of particular audiences (e.g., Korean language newspapers, Spanish-language radio stations, newspapers directed towards the LGBT community and advocates, etc.).

PHAs must identify, in their AFH, the meetings held with the Resident Advisory Board and should summarize the views and recommendations expressed at the meeting.

*AFH Prompt(s): Provide a list of organizations consulted during the community participation process.*

This section of the AFH must include a list of organizations consulted during the community participation process. See Chapter 3 Section 3.4 of this Guidebook for examples of groups with which the program participant may wish to consult.

*AFH Prompt(s): How successful were the efforts at eliciting meaningful community participation? If there was low participation, provide the reasons.*

This section must include a discussion of how successful the efforts were at eliciting meaningful community participation. For example, in assessing the success of community participation, the program participant might consider who came to the public hearings and who submitted public comments. For example, were participants representative of all protected classes? Were participants representative of numerous geographic areas? Were comments made by a variety of persons and organizations reflecting the demographics of your area? Were participants representative of those populations who have been historically excluded?

If there was low participation, program participant(s) must explain the reasons.

*AFH Prompt(s): Summarize all comments obtained in the community participation process. Include a summary of any comments or views not accepted and the reasons why.*

Program participants must summarize all comments obtained through the community participation process, and describe if any comments or views were not accepted and the reasons for such non-acceptance.

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## **5.4 Assessment of Past Goals and Actions**

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This section of the AFH includes an assessment of past fair housing goals and actions. This look back provision is required to assess progress made towards those fair housing goals previously set.

The Assessment of Past Goals and Actions section consists of one part with component questions.

Part 1 evaluates past fair housing goals and actions and includes:

A discussion of what progress has been made in their achievement.

A discussion of how past goals have influenced the selection of current goals.

Discussion of additional policies, actions, or steps that address fair housing issues.

Program participants must identify goals previously set, discuss whether those goals were successful, and if the goals were not successful or not as successful as envisioned, the reasons why. They must also discuss how previous experience with past goals has influenced the selection of goals in the current AFH. This section includes a discussion of any additional policies, actions, or steps that address fair housing issues in the program participants' geographic areas of analysis. Examples might include efforts to provide members of the public with information on fair housing and civil rights requirements or testing efforts.

Metrics and milestones identified in past Analyses of Impediments to fair housing choice or past AFHs will likely be useful in assessing progress. With respect to the metrics, milestones, and timeframes for achievement identified in any past AFHs, program participants must evaluate their progress using those measures. Entities that submit a Consolidated Plan may find it helpful to reference the most recent 5-year Strategic Plan, Annual Action Plan(s), and/or Consolidated Annual Performance and Evaluation Report(s), while PHAs may wish to review the latest PHA plan. These documents include discussions of recent activities and achievements with respect to affirmatively furthering fair housing efforts and can also provide useful context for reflections on how previous activities and experiences impacted the selection of current goals. Program participants may also consider in this section, or in the section related to Fair Housing Enforcement, Outreach Capacity, and Resources, consulting data analyses and program evaluations of local or regional fair housing activities, including those prepared by the jurisdiction and third-party consultants.

## 5.5 Analysis of Fair Housing Issues

This section of the AFH includes an assessment of key fair housing issues. The questions in the AFH will enable program participants to identify and discuss fair housing issues arising from their assessments of HUD-provided data and local data and local knowledge.

*The rule defines a “fair housing issue” as “a condition in a program participant’s geographic area of analysis that restricts fair housing choice or access to opportunity, and includes such conditions as ongoing local or regional segregation or lack of integration, racially or*

*ethnically concentrated areas of poverty, significant disparities in access to opportunity, disproportionate housing needs, and evidence of discrimination or violations of civil rights law or regulations related to housing.” 24 C.F.R. § 5.152*

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HUD has designed the Assessment Tool to assist program participants in identifying several of the most common fair housing issues. These fair housing issues include:

- Integration and segregation patterns and trends based on race, color, religion, sex, familial status, national origin, and disability within the jurisdiction and region;
- Racially or ethnically concentrated areas of poverty (R/ECAPs) within the jurisdiction and region;
- Significant disparities in access to opportunity for any protected class within the jurisdiction and region; and
- Disproportionate housing needs for any protected class within the jurisdiction and region.

The answers to the questions are designed to assist program participants in identifying significant contributing factors and related fair housing issues facing the jurisdiction and region.

### **5.5.1 Demographic Summary**

The AFH requires completion of a demographic summary section. It may be helpful to first take a moment to look over the maps and tables to become familiar with them. There are two tables:

- **Demographics Table:** shows the demographics of the jurisdiction and region (including total population, the number and percentage of persons by race/ethnicity, national origin (10 most populous), LEP (10 most populous), disability (by disability type), sex, age range (under 18, 18-64, 65+), and households with children.
- **Demographic Trends Table:** shows the demographic trends for jurisdiction and region (including the number and percentage of persons by race/ethnicity, total national origin (foreign born), total LEP, sex, age range (under 18, 18-64, 65+), and households with children.

*AFH Prompt(s): Describe demographic patterns in the jurisdiction and region, and describe trends over time (since 1990).*

Program participants will use this HUD-provided data, and local data and knowledge, to describe current demographics in the jurisdiction and region, and then describe demographic trends over time. Program participants will use maps and tables provided by HUD that include demographic data for the jurisdiction and region, including total population, the

number and percentage of persons by race/ethnicity, national origin, LEP, disability (and by disability type), sex, age range, and households with children. Program participants, including neighboring jurisdictions and States, may have access to additional sources of local data and local knowledge to describe more current demographics and demographic trends in the jurisdiction and region.

*AFH Prompt(s): Describe the location of homeowners and renters in the jurisdiction and region, and describe trends over time.*

The AFH requires a description of the location of homeowners and renters in the jurisdiction and region, and homeownership trends over time. Program participants must rely on local data and local knowledge to answer this question.<sup>49</sup> The time period for evaluating homeownership and renter trends will depend on the program participant. Some program participants may wish to include relevant local data and local knowledge that extends nearly a century because of housing decisions made in the early or mid-twentieth century, while the past few decades may be more relevant to others. Program participants may also discuss trends in the location of affordable housing in this section.

### 5.5.2 Segregation/Integration

The AFH requires an analysis of patterns of segregation and integration in the jurisdiction and region.

*For the purposes of the AFFH rule, “segregation” “means a condition, within the program participant’s geographic area of analysis, as guided by the Assessment Tool, in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area.” 24 C.F.R. § 5.152<sup>50</sup>*

*For the purposes of the AFFH rule, “integration” “means a condition, within the program participants geographic areas of analysis, as guided by the Assessment Tool, in which there is not a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a*

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<sup>49</sup> HUD anticipates that it will provide program participants with certain data on renter and homeownership patterns and trends in the jurisdiction and region at a later point in time. Until such data is provided by HUD, program participants must use local data and local knowledge in answering these questions. HUD’s CPD Maps tool is also a valuable resource for locating information to answer this question (see <http://egis.hud.gov/cpdmaps/>).

<sup>50</sup> For the definition of segregation for persons with disabilities see 5.5.7.

*particular geographic area when compared to a broader geographic area.” 24 C.F.R. § 5.152<sup>51</sup>*

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**HUD-provided data.** It may be helpful to first take a moment to look over the maps and tables to become familiar with them. HUD provides four Maps provided for this section:

- Race/Ethnicity Map: shows the current race/ethnicity dot density map for the jurisdiction and region with R/ECAPs.
- Race/Ethnicity Trends Map: shows past (1990 and 2000) race/ethnicity dot density maps for the jurisdiction and region with R/ECAPs.
- National Origin Map: shows the 5 most populous national origin groups dot density map for the jurisdiction and region with R/ECAPs.
- Limited English Proficiency (LEP) Map: shows limited English proficient (LEP) population by displaying the 5 most populous languages dot density map for the jurisdiction and region with R/ECAPs.

HUD provides one table provided in this section:

- Race/Ethnicity Dissimilarity Table: shows both the current and past race/ethnicity dissimilarity index for the jurisdiction and region.

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<sup>51</sup> For the definition of integration for persons with disabilities see 5.5.7.

## Segregation/Integration Analysis

The segregation/integration section consists of three parts.

Part 1 requests analysis on four topics.

- a. Levels of segregation in the jurisdiction and region, including changes over time.
- b. Identification of areas with high segregation by race/ethnicity, national origin, or LEP group, including trends over time.
- c. Location of owner occupied housing in relation to patterns of segregation.
- d. Discussion of trends, policies, or practices that could lead to higher levels of segregation.

Part 2 seeks additional information related to segregation and integration for groups with other protected characteristics beyond those covered in the HUD-provided data, for the jurisdiction and region. This part allows for additional information to be included relevant to this section to provide greater local context.

Part 3 asks program participants to consider a list of contributing factors (and any other contributing factors affecting the jurisdiction and region) and to identify contributing factors that significantly impact segregation/integration.

*AFH Prompt(s): Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation. Explain how these segregation levels have changed over time (since 1990).*

In completing this section, program participants must first describe and compare segregation levels in the jurisdiction and region, identify the racial and ethnic groups that experience the highest levels of segregation, and explain how these segregation levels have changed over time. HUD provides program participants data in the form of dissimilarity indices and dot density and thematic maps, and explains how to use these data in the instructions to the questions in the Assessment Tool. Using HUD-provided data, local data, and local knowledge, program participants are required to provide an assessment of segregation and integration for all protected classes under the Fair Housing Act.

Program participants must describe levels of segregation in the jurisdiction and region using the HUD-provided data, based on race and ethnicity, and then identify the groups experiencing the highest levels of segregation. HUD provides program participants with

tables on the dissimilarity index to answer this question. The following example may help with this question.

**Example of Segregation/Integration Analysis**

For an example of how segregation and integration may be assessed, consider the dissimilarity index table shown below and the following discussion.

Please note that the dissimilarity index measures the degree to which two groups are evenly distributed across a geographic area and is a commonly used tool for assessing residential segregation between two groups. This dissimilarity index provides values ranging from 0 to 100, where higher numbers indicate a higher degree of segregation among the two groups measured. Generally, dissimilarity index values between 0 and 39 generally indicate low segregation, values between 40 and 54 generally indicate moderate segregation, and values between 55 and 100 generally indicate a high level of segregation, as demonstrated by the following table:

	<b>Value</b>	<b>Level of Segregation</b>
<b>Dissimilarity Index Value (0-100)</b>	0-39	Low Segregation
	40-54	Moderate Segregation
	55-100	High Segregation

However, context is important in interpreting the dissimilarity index. The index does not indicate spatial patterns of segregation, just the relative degree of segregation; and, for populations that are small in absolute number, the dissimilarity index may be high even if the group's members are evenly distributed throughout the area. Generally, when a group's population is less than 1,000, program participants should exercise caution in interpreting associated dissimilarity indices. Also, because the index measures only two groups at a time, it is less reliable as a measure of segregation in areas with multiple racial or ethnic groups.

When reading the following table note the three columns on the left (1990 to 2010) show the dissimilarity index values for the jurisdiction, while the three columns on the right (1990 to 2010) show the index values for the overall region (CBSA).

**Table 3 - Racial/Ethnic Dissimilarity Trends**

Racial/Ethnic Dissimilarity Index	XYZ CDBG			XYZ CBSA		
	1990	2000	2010	1990	2000	2010
Non-White/White	74.96	63.88	61.80	69.78	63.57	62.91
Black/White	78.12	68.49	67.42	77.18	73.25	74.41
Hispanic/White	26.01	29.87	38.91	23.36	27.67	33.89
Asian or Pacific Islander/White	42.83	40.43	45.94	39.87	41.88	47.30

The non-White/White dissimilarity index is high for the jurisdiction and region (around 62 in the jurisdiction and 63 in the region). This number indicates a high degree of separation between white individuals and individuals of color. However, it is important to note that the non-White/White dissimilarity index shows a decrease since 1990, with a large decline from 1990 to 2000.

The Black/White dissimilarity index is highest, in both the jurisdiction and region (around 67 in the jurisdiction and 74 in the region). Conversely, the Hispanic/White dissimilarity index is the lowest (around 39 in the jurisdiction and 34 in the region). However, unlike the decrease in the non-White/White dissimilarity index since 1990, the Hispanic/White dissimilarity index is steadily increasing (rising from around 26 in 1990 to 39 in 2010 in the jurisdiction). The Hispanic/White dissimilarity index shows similar increasing in the region (rising from around 23 in 1990 to 34 in 2010). Therefore, while overall segregation decreased particularly between 1990 and 2000, Hispanic/White segregation increased between 1990 and 2000. Similarly, the Asian or Pacific Islander/White dissimilarity index is increasing (rising from around 43 in 1990 to 46 in 2010 in the jurisdiction and from around 40 to 47 in the region).

*See appendix 7.2 for additional examples of how to use the HUD-provided data to answer questions in the AFH. Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.*

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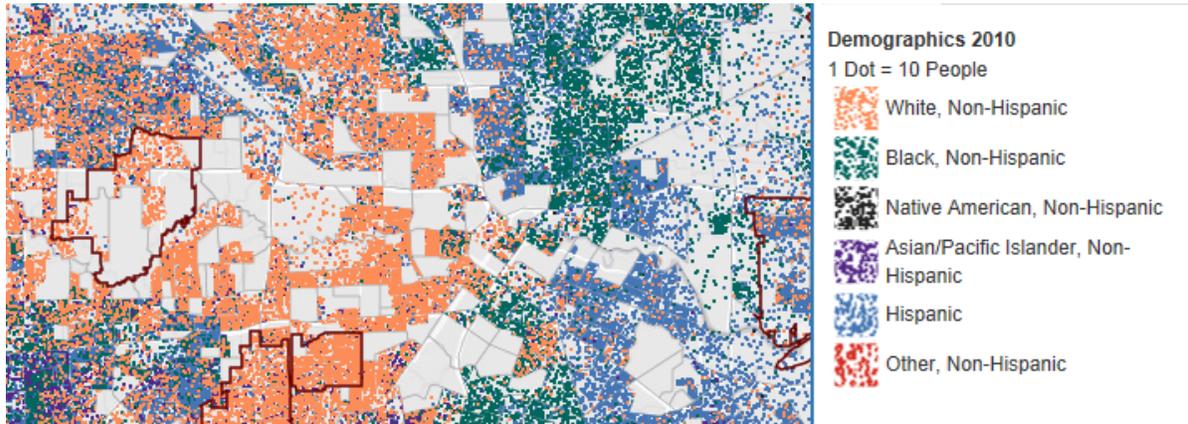
*AFH Prompt(s): Identify areas with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.*

Using HUD-provided data and local data and knowledge, program participants must identify areas with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area. HUD provides program participants with dot density maps to answer this question. However, as noted in the instructions, local data and local knowledge may be particularly useful. The following example may help with this question.

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**Example of Segregation/Integration Analysis**

For an example, of how segregation and integration may be assessed, consider the included race/ethnicity dot density map and the following discussion. This map shows populations that are non-Hispanic White (orange dots), Black (green dots), and Hispanic (blue dots). Please note that where data is also provided for groups with other protected characteristics and for the region, this data must also be assessed.



Segregation patterns are evident from the concentration of the White population in the western part of the area (comprising the Maplewood, Southern Knolls, and Deep Creek neighborhoods), the concentration of Black individuals in the northeast part of the area (comprising the Holly Hills and Vista Wood neighborhoods), and the concentration of Hispanic individuals in the southeast (comprising the Valera neighborhood). There are some integrated areas in the central area of the City (downtown neighborhood), however these integrated areas are mostly border areas between the segregated areas. The southwestern area is the most integrated (comprising the Woodlawn and Eaton neighborhoods) and includes White, Black, and Hispanic individuals. The northwest area is also relatively integrated with both White and Hispanic individuals.

*See appendix 7.2 for additional examples of how to use the HUD-provided data to answer questions in the AFH.* Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

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*AFH Prompt(s): Consider and describe the location of owner and renter occupied housing in determining whether such housing is located in segregated or integrated areas.*

Program participants are asked to consider the location of owner and renter occupied housing in determining whether such housing is located in segregated or integrated areas. This

question relies on local data and local knowledge.<sup>52</sup> Program participants should identify any areas where the addition of affordable housing options for owners and renters would promote greater integration.

*AFH Prompt(s): Discuss how patterns of segregation have changed over time (since 1990).*

Program participants must discuss how patterns of segregation have changed over time by comparing the various HUD-provided maps and tables.

*AFH Prompt(s): Discuss whether there are any demographic trends, policies, or practices that could lead to higher segregation in the jurisdiction in the future.*

Program participants must then discuss whether there are any demographic trends, policies, or practices that could lead to higher segregation in the jurisdiction in the future. Examples of demographic trends that may lead to higher segregation may include population growth or decline in the jurisdiction and region or an influx of a new population group. Examples of existing policies and practices that could lead to higher segregation may include zoning and land-use policies and the practice of steering in connection with the sale or rental of housing (*i.e.*, practices that direct buyers or renters of a particular race or national origin to housing in neighborhoods predominantly occupied by persons of that particular race or national origin). Local knowledge and the input from the community participation process, including from fair housing and advocacy organizations, will likely be useful in answering this question.

### **Additional Information**

Where local data or knowledge is available, program participants must answer questions seeking additional information relevant to segregation and integration with respect to other protected class groups for which HUD has not provided data.

Program participants may also describe other information relevant to the assessment of segregation and integration, including place-based investments and mobility options and how those investments and options relate to persons in particular protected classes. For example, it may be relevant to discuss the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation, and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as increasing integration.

### **Contributing Factors of Segregation**

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<sup>52</sup> Program participants must use local data and local knowledge in answering these questions. HUD's CPD Maps tool is also a valuable resource for locating information to answer this question (see <http://egis.hud.gov/cpdmaps/>).

Contributing factors will be assessed and identified. *See Section 5.6 of this Guidebook for more information on contributing factors.*

### **Why is a segregation analysis important?**

The analysis of segregation and integration promotes a key purpose of the Fair Housing Act: to ensure open residential communities in which individuals may choose where they prefer to live without regard to race, color, religion, national origin, sex, familial status, or disability. While individuals are free to choose where they prefer to live, the Fair Housing Act prohibits policies and actions by entities and individuals that deny choice or access to housing or opportunity through the segregation of protected classes.

### **5.5.3 R/ECAPs**

The AFH must include an analysis of patterns and trends of R/ECAPs. This section requires program participants to first identify any R/ECAPs, or groupings of R/ECAPs, within the jurisdiction and region using HUD-provided data, local data, and local knowledge. HUD provides several maps that outline the locations of R/ECAPs to assist program participants with this question.

***The AFFH rule defines “racially or ethnically concentrated areas of poverty” as “a geographic area with significant concentrations of poverty and minority concentrations.” 24 C.F.R. § 5.152.***

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**HUD-provided data.** It may be helpful to first take a moment to look over the maps and tables to become familiar with them. HUD provides four maps provided in this section:

- Race/Ethnicity Map: shows the current race/ethnicity dot density map for the jurisdiction and region with R/ECAPs.
- Race/Ethnicity Trends Map: shows past (1990 and 2000) race/ethnicity dot density maps for the jurisdiction and region with R/ECAPs.
- National Origin Map: shows the 5 most populous national origin groups dot density map for the jurisdiction and region with R/ECAPs.
- Limited English Proficiency (LEP) Map: shows the LEP population by displaying the 5 most populous languages dot density map for the jurisdiction and region with R/ECAPs.

HUD provides one table provided in this section:

- R/ECAP Demographics Table: shows R/ECAP demographics, including the percentage of racial/ethnic groups, families with children, and national origin groups (10 most populous) for the jurisdiction and region who reside in R/ECAPs.

The R/ECAP section consists of three parts.

Part 1 requests analysis on three topics.

- a. Identification of R/ECAP groupings.
- b. Identification of which protected classes disproportionately reside in R/ECAPs.
- c. Identification of trends over time.

Part 2 requests additional information related to R/ECAPs for groups with other protected characteristics beyond those covered in the HUD-provided data, for the jurisdiction and region. This part also allows for additional information to be included relevant to this section to provide greater local context.

Part 3 requests program participants to consider a list of contributing factors (and any other contributing factors affecting the jurisdiction and region) and to identify contributing factors that significantly impact the R/ECAPs.

### **R/ECAPs Analysis**

*AFH Prompt(s): Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction. Which protected classes disproportionately reside in R/ECAPs compared to the jurisdiction and region? Describe how R/ECAPs have changed over time (since 1990).*

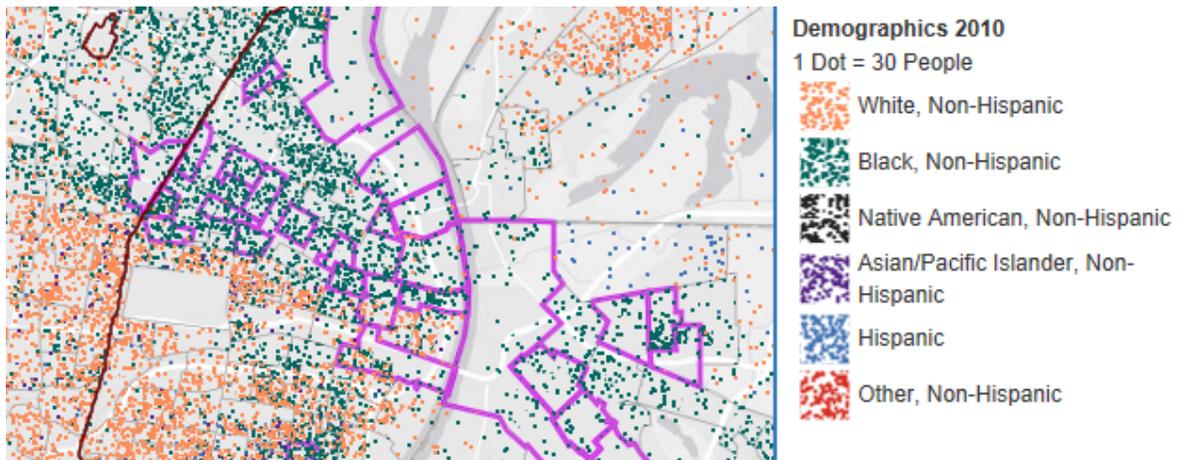
Using HUD-provided maps, program participants identify the geographic location of R/ECAPs in the jurisdiction and region, including any groups of R/ECAPs. Then, program participants identify which protected classes disproportionately reside within R/ECAPs compared to the population of the jurisdiction and region. HUD provides maps and a table to assist program participants in answering this question. Program participants must also describe how R/ECAPs have changed over time (since 1990). Relevant to this discussion is whether a particular area in the jurisdiction or region either moved into or out of R/ECAP status, and identifying any areas that may be close to becoming R/ECAPs. HUD provides several maps with data points of 1990, 2000, and current conditions to assist program participants in answering this question. Using HUD-provided data, local data, and local knowledge, program participants are required to provide an assessment of R/ECAPs for all protected classes under the Fair Housing Act. The following example may help with this question.

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### Example of R/ECAP Analysis

For an example of how R/ECAPs might be assessed, consider the included race/ethnicity dot density map with R/ECAP outlines and the following discussion. This map shows individuals that are of non-Hispanic White (orange dots) and Black (green dots) and R/ECAP census tracts indicated by bright purple outlines.

While considering R/ECAPs, there are some key caveats to keep in mind. The use of census tracts has some known limitations, including that they are not always synonymous with neighborhoods as understood at the local level. In interpreting the presence of R/ECAPs, program participants may take into account the characteristics of adjoining or nearby census tracts. For instance, existing R/ECAPs may be adjacent to other census tracts that are in a more desirable area, in an area that is experiencing improved overall economic conditions, or in a more integrated area. As with the other HUD-provided data, the R/ECAP measures being provided are intended as a baseline for analysis that can be supplemented with local data and local knowledge. Please note that where data is also provided for groups with other protected characteristics and for the region, this data must also be assessed.



Segregation patterns are evident in this area, with a concentration of the White population in the south part of the area and a concentration of Black individuals in the north part of the area. All R/ECAP areas are grouped together in the north part of the City and appear to be predominantly occupied by Black individuals. There are, however, a few R/ECAPs in the center of the area on the dividing line between the predominantly Black area and predominantly White area where there is some integration.

*See appendix 7.2 for additional examples of how to use the HUD provided data to answer questions in the AFH.* Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

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### Additional Information

The R/ECAPs section includes questions program participants must answer seeking additional information gathered from local data and local knowledge, including information

obtained through the community participation process, concerning R/ECAPs affecting groups with other protected characteristics.

In addition, program participants may discuss any other relevant information related to the analysis of R/ECAPs, including the removal of barriers that prevent individuals and families from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, and housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as transforming R/ECAPs by addressing the combined effects of segregation and poverty.

#### Contributing Factors of R/ECAPs

Contributing factors will be assessed and identified. *See Section 5.6 of this Guidebook for more information on contributing factors.*

#### **Why is an R/ECAP analysis important?**

A large body of research has consistently found that the problems associated with segregation are greatly exacerbated when combined with concentrated poverty. Neighborhoods of concentrated poverty may isolate residents from the resources and networks needed. Concentrated poverty has also been found to have a long-term effect on outcomes for children growing up in these neighborhoods related to a variety of indicators, including crime, health and education and future employment and lifetime earnings. An R/ECAP analysis is consistent with addressing concerns raised in the legislative history of the Fair Housing Act. The 1968 Kerner Commission on Civil Disorders acknowledged that “segregation and poverty” create “a destructive environment.”

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#### **5.5.4 Disparities in Access to Opportunity**

The AFH requires an analysis of disparities in access to opportunity, including access to education, employment, transportation, low poverty exposure, and environmentally healthy neighborhoods, as well as any overarching patterns relating to access to opportunity in the jurisdiction and region. This section asks program participants to analyze how a person’s place of residence, locations of different opportunities, and related policies contribute to fair housing issues on the basis of protected class. HUD has provided data for some of the protected class groups, including Opportunity Indices by race/ethnicity, as well as maps showing locations of key opportunity measures for race/ethnicity, national origin, and familial status groups. The questions in this section have been written to specifically reference the protected class groups covered by the HUD-provided data, but as with the rest of the Assessment, each of the protected classes must still be analyzed using local data and local knowledge.

*The AFFH rule defines “significant disparities in access to opportunity” as “substantial and measurable differences in access to*

*educational, transportation, economic, and other opportunities in a community based on protected class related to housing.” 24 C.F.R. § 5.152.*

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Disparities in access to opportunity in the jurisdiction and region are identified using thematic maps that show different levels of exposure to various opportunity indicators by overlaying gradations of shading on the maps. Additionally, tables depict which protected classes experience what level of access. Maps of disparities in access to opportunity are also overlaid with dot density maps by race/ethnicity, national origin, and LEP to compare residential patterns with locational access to opportunity

**HUD-provided data.** It may be helpful to first take a moment to look over the maps and tables to become familiar with them. HUD provides seven maps provided in this section:

- Demographics and School Proficiency Map: shows demographics and School Proficiency for the jurisdiction and region. The demographics shown include race/ethnicity, national origin, and family status. R/ECAPs can also be shown.
- Demographics and Job Proximity Map: shows demographics and Job Proximity for the jurisdiction and region. The shown demographics include race/ethnicity, national origin, and family status. R/ECAPs can also be shown.
- Demographics and Labor Market Map: shows demographics and Labor Market for the jurisdiction and region. The demographics shown include race/ethnicity, national origin, and family status. R/ECAPs can also be shown.
- Demographic and Transit Trips Map: shows demographics and Transit Trips for the jurisdiction and region. The demographics shown include race/ethnicity, national origin, and family status. R/ECAPs can also be shown.
- Demographics and Low Transportation Costs Map: shows demographics and Low Transportation Costs for the jurisdiction and region. The demographics shown include race/ethnicity, national origin, and family status. R/ECAPs can also be shown.
- Demographics and Poverty Map: shows demographics and Poverty for the jurisdiction and region. The demographics shown include race/ethnicity, national origin, and family status. R/ECAPs can also be shown.
- Demographics and Environmental Health Map: shows demographics and Environmental Health for the jurisdiction and region. The demographics shown include race/ethnicity, national origin, and family status. R/ECAPs can also be shown.

HUD provides one table provided in this section:

- Opportunity Indicators by Race/Ethnicity Table: shows all the Opportunity Indicators by Race/Ethnicity. This includes opportunity indices for school proficiency, jobs proximity, labor-market engagement, transit trips, low transit cost, low poverty, and environmental health for the Jurisdiction and Region.

The disparities in access to opportunity section consists of three parts.

Part 1 requests analysis on six topics, each with component questions: (1) Educational opportunities; (2) Employment opportunities; (3) Transportation opportunities; (4) Low poverty exposure opportunities; (5) Environmentally healthy neighborhood opportunities; and (6) Patterns in disparities to access to opportunity

Part 2 requests additional information related to disparities in access to opportunity for groups with other protected characteristics beyond those covered in the HUD-provided data, for the jurisdiction and region. This part also allows for additional information to be included relevant to this section to provide greater local context.

Part 3 asks program participants to consider a list of contributing factors (and any other contributing factors affecting the jurisdiction and region) and to identify contributing factors that significantly impact disparity in access to opportunity.

### Educational Opportunities Analysis

*AFH Prompt(s): Describe any disparities in access to proficient schools based on race/ethnicity, national origin, and family status. Describe the relationship between the residency patterns of racial/ethnic, national origin, and family status groups and their proximity to proficient schools. Describe how school-related policies, such as school enrollment policies, affect a student's ability to attend a proficient school. Which protected class groups are least successful in accessing proficient schools?*

HUD provides a School Proficiency Index for use in answering these questions, the values of which are determined based on the performance of 4<sup>th</sup> grade elementary students on state exams.<sup>53</sup> Local data and local knowledge will also be relevant to answering these questions,

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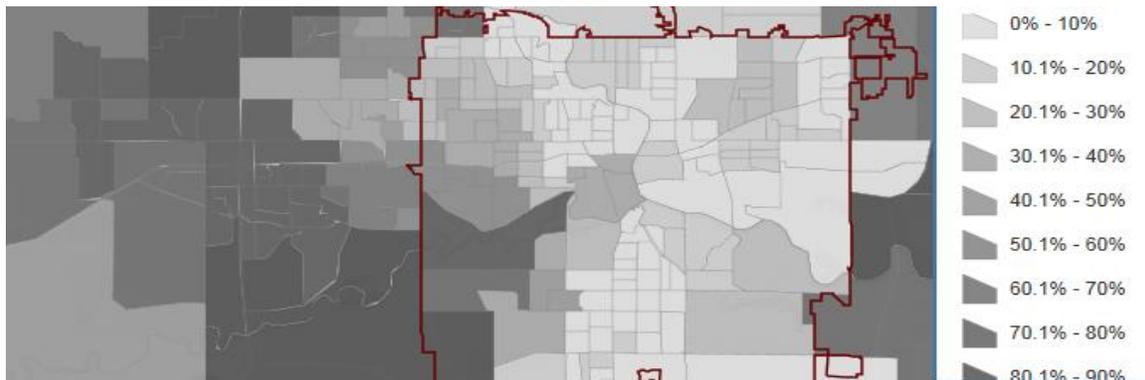
<sup>53</sup> In addition to the School Proficiency Index, HUD is providing supplemental data on school proficiency, including a school proficiency index that is adjusted for students receiving free or reduced price lunches (FRPL). The supplemental adjusted index is only available for states in which proficiency rate data are available for FRPL students. The data can be downloaded from the HUD Exchange AFFH website.

such as the effect of school-related policies on attending a proficient school. For example, the map on school proficiency may not present a complete picture of local context if there are district-wide school enrollment policies or if there are issues with proficient schools at the secondary school level. The following example may help with this question.

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### Example of Educational Opportunities Analysis

For an example of how disparities in access to opportunity may be assessed, consider the included school proficiency thematic map and the following discussion.<sup>54</sup> This map shows variations in school proficiency by census tract and the dark red outline is the City's boundaries. The darker gray areas are those areas with better school proficiency and the lighter areas have lower school proficiency. Please note that where data is also provided for groups with other protected characteristics and for the region, this data must also be assessed.



Based on the map, there are better schools outside the City. However, in the southwest corner of the City there is a pocket of schools with high proficiency. There are also pockets of schools with a middle level of gray in City View, Oak Hills, Center City, and Forest Park neighborhoods. Local knowledge of school enrollment policies in the area includes the fact that there is a mandate that students attend their neighborhood school, thus neighborhood segregation affects access to proficient schools. However, one of the proficient schools in the southwest corner of the City is a magnet school. Other than the magnet school, the racial/ethnic demographics of other schools mirror the demographics of the surrounding neighborhood and are segregated if the neighborhood is segregated (for example, see Thomas Jefferson Middle School, which is predominantly Black and located in a predominantly Black neighborhood and River View Middle school, which is predominantly White and located in a predominantly White neighborhood). In contrast, the magnet school is located in a predominantly White area, but is racially and ethnically diverse. Thus, based on the HUD-

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<sup>54</sup> Please note that this example map only shows the School Proficiency Index, however the analysis in the AFH must also discuss comparisons with dot density maps and R/ECAP areas to draw conclusions about disparities in access to opportunity.

provided map and this local knowledge, it is clear that neighborhood segregation affects access to proficient schools.

*See appendix 7.2 for additional examples of how to use the HUD provided data to answer questions in the AFH.* Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

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### Employment Opportunities Analysis

*AFH Prompt(s): Describe any disparities in access to jobs and labor markets based on protected class. Describe how a person's place of residence affects their ability to obtain a job. Describe which racial/ethnic, national origin, or family status groups are least successful in accessing employment.*

HUD provides two indices to assist program participants in answering these questions: the Jobs Proximity Index,<sup>55</sup> which measures the physical distances between place of residence and jobs by race/ethnicity; and the Labor Market Index, which measures unemployment rate, labor-force participation rate, and percent of the population age 25 and above with at least a bachelor's degree, by census tract. When these indices are evaluated with HUD-provided maps and tables depicting residency patterns of protected classes, program participants can identify disparities in access to employment opportunities. Local data and local knowledge, including information obtained through the community participation process, may be particularly useful in augmenting the analysis relating to employment opportunities in the jurisdiction and region. The following example may help with this question.

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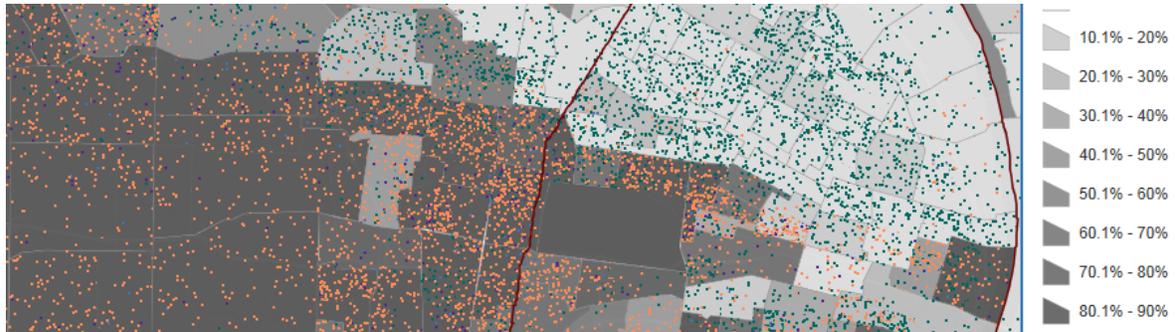
### Example of Employment Opportunities Analysis

For an example of how disparities in access to opportunity may be assessed, consider the included labor market engagement thematic map, including a race/ethnicity dot density overlay, and the following discussion. This map shows variations in labor market

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<sup>55</sup> In addition to the Jobs Proximity Index, HUD intends to provide an additional index that may be used. The Jobs Proximity Index in the HUD-provided maps and tables quantifies neighborhood distance to all job locations in the CBSA, with larger employment centers weighted more heavily. Job locations are estimated to have less impact the further they are from each neighborhoods (this is quantified using a "gravity model"). This approach is commonly used in much of the social science research on the subject. However, HUD will make an alternative index available with a simplified method for measuring employment opportunities located in surrounding neighborhoods. Some program participants may find this additional data source helpful in providing context when assessing access to employment opportunities in their jurisdiction and region.

engagement by census tract and the dark red outline shows the City’s boundaries. The darker gray areas are those areas with greater labor market engagement and the lighter areas have lower labor market engagement. Please note that where data is also provided for groups with other protected characteristics and for the region, this data must also be assessed.



Based on the map, there is generally greater labor market engagement in the south part of the City and less labor market engagement in the north part of the City. When analyzed in conjunction with the race/ethnicity dot density map we can see that White residents (as indicated by the orange dots) are more likely to live in the areas with better labor market and Black residents (as indicated by the green dots) disproportionately live in the areas with less labor market engagement

*See appendix 7.2 for additional examples of how to use the HUD provided data to answer questions in the AFH.* Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

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### Transportation Opportunities Analysis

*AFH Prompt(s): Describe any disparities in access to transportation based on place of residence, cost, or other transportation-related factors. Describe which racial/ethnic, national origin, or family status groups are most affected by the lack of a reliable, affordable transportation connection between their place of residence and other opportunities. Describe how the jurisdiction’s and region’s policies, such as public transportation routes or systems designed for use of personal vehicles, affect the ability of protected class groups to access the transportation system.*

HUD provides program participants indices and maps to conduct this assessment, including the Low Transportation Cost Index, which measures the cost of transport and proximity to public transportation by neighborhood, and the Transit Trips Index, which measures how often low-income families in a neighborhood use public transportation. How often families actually use public transportation is a general indication of how readily available public transit is in the jurisdiction and region. The index is adjusted by income to further refine the measure as a gauge of practical availability. Program participants must also use local data

and local knowledge, and may reference, for example, quality of transit resources, transit type, age of system assets, and wait times, when answering these questions.

#### Low Poverty Exposure Opportunities Analysis

*AFH Prompt(s): Describe any disparities in exposure to poverty by protected class groups. Describe the role of a place of residence in exposure to poverty. Describe which racial/ethnic, national origin, and family status groups are most affected by the poverty indicators. Describe how the jurisdiction's and region's policies affect the ability of different protected class groups to access low poverty areas.*

HUD provides program participations with the Low Poverty Index, which measures the poverty rate by neighborhood. In effect, a higher value on this index indicates a higher likelihood that a family may live in a low poverty neighborhood in the jurisdiction or region. Program participants must examine the index along with maps showing residency patterns of protected class groups, and with local data and local knowledge, when answering these questions.

#### Environmentally Healthy Neighborhoods Opportunities Analysis

The Environmental Health Index uses data on hazardous air pollutants that are known to cause cancer or other serious health effects. It measures exposures and risks across broad geographic areas (e.g., counties) at a moment in time.<sup>56</sup> Program participants should be aware of limitations with the data, particularly the use of maps. The maps at the jurisdiction and regional level may be more useful in showing broader overall patterns, rather than in differences between individual neighborhoods. The maps are less applicable in identifying localized differences, such as comparing one Census tract to the tract immediately adjacent to it. In general, the maps will tend to show higher index values in urban areas, due to the greater amount of vehicles and fixed sources of pollutants, that while small individually have a large collective effect.<sup>57</sup> In addition, while the data are the most recent available, some

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<sup>56</sup> See <http://www3.epa.gov/airtoxics/natamain/> for more information on the National-Scale Air Toxics Assessment (NATA) data used in the Environmental Health Index. The index is based on the most recent available data from EPA, from 2005, which was released in 2011.

<sup>57</sup> As stated by the Environmental Protection Agency:

“Urban areas tend to have higher estimates of cancer and non-cancer risks than rural areas. This is because in urban areas there are many emissions sources including mobile sources, and large and small industrial sources. Secondary formation (e.g. formaldehyde forming from other emitted pollutants) also tends to occur more in urban areas because of the complex mixture of emitted pollutants.”

“NATA includes the following emissions sources:

sources of pollutants may have been mitigated or removed since that time. The data also measure air pollutants and do not capture other known environmental issues, such as water quality or soil contamination. However, once these limitations are understood, the data on Environmental Health can be a useful tool in considering disparities in access to opportunity and can help inform a wide variety of public policies related to affirmatively furthering fair housing.

*AFH Prompt(s): Describe any disparities in access to such neighborhoods by protected class group. Describe which racial/ethnic, national origin, or family status groups have the least access to environmentally health neighborhoods.*

HUD provides program participants with the Environmental Health Index, which measures exposure based on Environmental Protection Agency estimates of air quality carcinogenic, respiratory, and neurological toxins by neighborhood. Program participants evaluate the index with the residency patterns depicted in the maps, and local data and local knowledge—particularly local data and local knowledge pertaining to other indicators of environmental health, such as the siting of highways, industrial plants, or waste sites—to answer these questions.

#### Patterns in Disparities in Access to Opportunity

*AFH Prompt(s): Identify and discuss any overarching patterns of access to opportunity and exposure to adverse community factors based on race/ethnicity, national origin or familial status. Identify areas that experience an aggregate of poor access to opportunity and high exposure to adverse factors. Include how these patterns compare to patterns of segregation and R/ECAPs.*

Following the questions on each specific opportunity indicator for which HUD provides data, program participants must answer a question about any overarching patterns shown by the previous questions. This provides a space for discussion of a bigger picture shown by considering the results taken together. This might include a broader regional pattern, or it might include a discussion of why some types of opportunity assets seem to be present in some places but not others. If certain protected classes experience disparities across multiple opportunity indicators, this pattern should be discussed. The discussion of overall patterns

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Stationary sources, e.g., large industrial facilities such as coke ovens for the steel industry, refineries and smaller sources such as gasoline stations.

Mobile sources, e.g., cars, trucks, and off road vehicles like construction equipment and trains.

Background [emissions], e.g., long-range transport, emissions sources not included in the NATA emissions inventory, and natural emissions sources.

Secondary formation, i.e., pollutants formed from other pollutants emitted into the air.”

[http://www3.epa.gov/ttn/atw/nata2005/05pdf/nata2005\\_factsheet.pdf](http://www3.epa.gov/ttn/atw/nata2005/05pdf/nata2005_factsheet.pdf).

should also include how any such patterns compare to patterns of segregation and R/ECAPs in the jurisdiction and region. The following example may help with this question.

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Example of Patterns in Disparities in Access to Opportunity Analysis

For an example of how disparities in access to opportunity may be assessed, consider the included opportunity indicators table and the following discussion. Please note that data is also provided for the region and should also be assessed.

*Quick Notes on the Opportunity Indices:*

The Opportunity Indices distill complex data into values that simplify comparisons between both neighborhoods and population groups (race/ethnicity). This is done in two steps. First, the data for each opportunity indicator (e.g. schools, poverty) are quantified for each Census tract in the area. Second, the index itself is calculated based on where people in a particular race/ethnicity groups live.

Higher values for a particular race/ethnicity indicate a greater likelihood that they reside in Census tracts with greater access to that opportunity indicator. The indices values range from 0 to 100. The higher the value, the greater the access to opportunity. For example, a high value in the Low Poverty Index would indicate greater access to low poverty areas, while a low value in the Low Poverty Index would indicate less access to low poverty areas. Similarly, high value in the School Proficiency Index would indicate greater access to proficient schools, while a low value in the School Proficiency Index would indicate less access to proficient schools.

The Opportunity Indices have another feature that can be helpful in making comparisons. They present index values for both the total population by each race/ethnicity group, and also present data for members of those groups below the Federal poverty line. By adjusting for income in this way, the indices can shed further light on whether disparities in access to opportunity are the result of differences in income or whether other factors, such as place of residence, play a role.

Table 12 - Opportunity Indicators, by Race/Ethnicity

ABC CDBG	Opportunity Indicators						
	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
<b>Total Population</b>							
White, Non-Hispanic	66.15	61.59	62.81	47.70	46.29	49.92	49.79
Black, Non-Hispanic	32.03	23.70	32.43	64.86	60.97	49.06	28.59
Hispanic	55.41	50.32	55.94	55.21	53.89	52.57	41.11
Asian or Pacific Islander, Non-Hispanic	70.07	61.87	73.25	60.77	57.75	57.31	36.29
Native American, Non-Hispanic	55.87	51.97	52.93	49.79	48.66	50.51	47.19
<b>Population below federal poverty line</b>							
White, Non-Hispanic	51.30	52.40	50.32	48.55	48.64	51.57	49.75
Black, Non-Hispanic	19.99	18.98	23.58	67.75	64.10	48.64	25.42
Hispanic	38.00	39.37	42.91	58.00	58.51	51.78	35.86
Asian or Pacific Islander, Non-Hispanic	53.30	44.09	62.89	68.34	65.42	57.46	28.78
Native American, Non-Hispanic	35.71	34.89	41.16	61.12	60.11	48.77	34.85

Based on the table above, and starting with the Low Poverty Index, the Asian or Pacific Islander population has the greatest access to low poverty areas (a value of about 70), followed by the White population (a value of about 66). The Black population has the least access to low poverty areas (a value of about 32). This pattern, the Asian and White populations having greater access to opportunity indicators, is present with respect to the poverty, schools, and labor market indices. For example, Asian and White populations both have values of about 62 for access to proficient schools, while the Black population has a value of only around 24. Similarly, Asian and White populations have greater access to labor market engagement (values of about 73 and 63 respectively), while the Black population has a value of only around 32 in the Labor Market Index. From a fair housing perspective, these patterns might indicate disparities in access to opportunity for the Black population.

Importantly, using the lower portion of the table—which contains values for persons in each group below the Federal poverty line—shows that the same pattern holds for low poverty neighborhoods, schools and labor market engagement, even when income is taken into account. Thus, for example, the Low Poverty Index shows that Black individuals below the Federal poverty line are still far less likely to live in lower poverty neighborhoods than their White or Asian counterparts who are also below the Federal poverty line. This might indicate that Black families below the Federal poverty line are more likely to live in areas with more concentrated poverty. Based on this analysis, and depending on local circumstances, this data may show that there are disparities in access to opportunity for Black residents and that there may also be a fair housing issue of R/ECAPs.

The transportation-related indices (Transit Trips Index and Low Transportation Cost Index) show that the Black population has greater access to transportation (values of around 65 and 61 respectively), while other populations have slightly less access (for example, the Asian population has values of about 61 and 58 and the White population has values of about 48 and 46). There are slight disparities in access to transportation for the White population. Local data and local knowledge may reveal that in the jurisdiction transit assets are located in urban centers where much of the minority population resides, and that these transit assets do not connect these areas to other types of opportunity (specifically, to areas with access to proficient schools, employment, and low poverty). From a fair housing perspective, this may highlight disparities in access to other opportunity indicators for the Black population, even though that population has access to transit assets.

In this table, most racial/ethnic groups value around the same in the Jobs Proximity Index, the Asian population showing somewhat greater access (a value of about 57) than other groups (values between approximately 49 and 53).

The Environmental Health Index shows limited access to environmental healthy neighborhoods, however there is some disparity between the racial/ethnic groups: the Black population having the least access (a value of about 29), followed by the Asian population (a value of about 36), and the White population having the greatest access to environmentally healthy neighborhoods (a value of about 50). Based on these values, it seems that the Black and Asian populations may experience disparities in access to environmentally healthy

neighborhoods compared to the White population. From a fair housing perspective, this may also implicate the fair housing issue of segregation.

*See appendix 7.2 for additional examples of how to use the HUD provided data to answer questions in the AFH.* Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

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### **Additional Information**

The disparities in access to opportunity section includes questions program participants must answer seeking additional information gathered from local data and local knowledge, including information obtained through the community participation process, concerning disparities in access to opportunity for groups with other protected characteristics.

In addition, program participants may discuss any other relevant information related to the analysis of disparities in access to opportunity, including any activities aimed at improving access to opportunities for areas that may lack such access, or in promoting access to opportunity (e.g., proficient schools, employment opportunities, and transportation). This additional information may include activities such as the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as increasing access to opportunity. Additional information may also include discussion of indicators, assets or amenities related to opportunity that may not be covered in the HUD-provided data, such as access to necessary services, retail businesses, parks, libraries, broadband, or other community resources.

### **Contributing Factors of Disparities in Access to Opportunity**

Contributing factors will be assessed and identified. *See Section 5.6 of this Guidebook for more information on contributing factors.*

### Why is an opportunity analysis important?

An opportunity analysis promotes the purposes of the Fair Housing Act, as described in the legislative history and reflected in the statute and regulations. As Congress was working to pass the Fair Housing Act, Senator Phillip Hart emphasized the relationship between housing and opportunity stating, “where a family lives, where it is allowed to live, is inextricably bound up with better education, better jobs, economic motivation, and good living conditions.” See 114 Cong. Rec. 2276- 2707 (1968).

Because housing is part of a community, an important component of fair housing planning is to assess how a person’s place of residence, public and private investment choices, and state and local policies relating to schools, transportation, employment, environmental health, and community development affect access to opportunity, and which individuals and groups with protected characteristics are most affected by a lack of, or inability to access, opportunity.

Addressing disparities in access to opportunity may involve a balanced approach that provides for both strategic investment in areas that lack key opportunity indicators, and also works to open up housing opportunities in areas with existing opportunity through effective mobility options and the preservation and development of affordable housing in high opportunity areas.

### 5.5.5 Disproportionate Housing Needs

The AFH must include an analysis of disproportionate housing needs. This analysis promotes an important component of fair housing planning: to assess if any groups of persons, based on race, color, religion, national origin, sex, familial status, or disability, experience greater housing needs when compared to other populations in the jurisdiction and region. An assessment of cost burden, severe cost burden, overcrowding, and substandard housing is a necessary analysis in order to set goals and priorities, and develop strategies to address barriers to fair housing choice.

*The AFFH rule defines “disproportionate housing needs” as “a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing needs when compared to the proportion of members of any other relevant groups or the total population experiencing that category of housing need in the applicable geographic area.” 24 C.F.R. § 5.152*

HUD has provided data to assist in this analysis of housing need as measured by several types<sup>58</sup> of housing problems:

<p><b>Cost Burden and Severe Cost Burden</b></p>	<p>Cost burden is the fraction of a household’s total gross income spent on housing costs.</p> <p>There are two levels of cost burden: (1) “Cost Burden” counts the households for which housing cost burden is greater than 30% of their income; and (2) “Severe Cost Burden” counts the number of households paying 50% or more of their income for housing.</p> <p>For renters, housing costs include rent paid by the tenant plus utilities. For owners, housing costs include mortgage payment, taxes, insurance, and utilities.</p>
<p><b>Overcrowding</b></p>	<p>Households having more than 1.01 to 1.5 persons per room are considered overcrowded and those having more than 1.51 persons per room are considered severely overcrowded. The person per room analysis excludes bathrooms, porches, foyers, halls, or half-rooms.</p>
<p><b>Substandard Housing</b></p>	<p>There are two types of substandard housing problems:</p> <ul style="list-style-type: none"> <li>• Households without hot and cold piped water, a flush toilet and a bathtub or shower; and</li> <li>• Households with kitchen facilities that lack a sink with piped water, a range or stove, or a refrigerator.</li> </ul>

**HUD-provided data.** It may be helpful to first take a moment to look over the maps and tables to become familiar with them. HUD provides two maps for this section:

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<sup>58</sup> Additional information on the housing problem definitions used for these tables can be found on the [background on HUD’s CHAS Data](#), which is the source for the tables. Additional information on housing needs can also be found at: [the Homelessness Data Exchange](#), an on-line tool provides estimates of homelessness at the state and local level drawn from data from Homeless Continuums of Care; and estimates of the number of persons with disabilities living in group quarters and institutional settings, available from the American Community Survey and from state and local needs assessments from existing *Olmstead* Plans and settlement agreements.

- Housing Burden by Race/Ethnicity Map: shows households experiencing one or more housing burdens in the jurisdiction and region with race/ethnicity dot density map and R/ECAPs.
- Housing Burden and National Origin Map: shows households experiencing one or more housing burdens in jurisdiction and region with national origin dot density map and R/ECAPs.

HUD provides two tables provided in this section:

- Demographics of Households with Disproportionate Housing Needs Table: shows the demographics of households with Disproportionate Housing Needs in the jurisdiction and region. This table also shows the total number and percentage of households experiencing one or more housing burdens by race/ethnicity and family size in the jurisdiction and region. The table shows both: 1) households experiencing any of 4 Housing Problems; and 2) household experiencing any of four Severe Housing Problems. These grouping of housing problems are described below.
- Demographics of Households with Severe Housing Cost Burden Table: shows the demographics of households with Severe Housing Cost in the jurisdiction and region. This table also shows the number and percentage of households experiencing severe housing burdens by race/ethnicity for the jurisdiction and region.

Please note that in Demographics of Households with Disproportionate Housing Needs Table, the housing problems listed above are grouped into two aggregated types:

- Households experiencing any of four Housing Problems. “Cost Burden” (30% and greater housing cost burden) together with overcrowding and the two types of substandard housing.
- Households experiencing any of the Severe Housing Problems. “Severe Cost Burden” (50% and greater cost burden) together with overcrowding and the two types of substandard housing.

The housing problems are grouped together in this way because of the low prevalence of some problems, particularly substandard housing, in many localities and at the census tract level. Because of the high prevalence of severe housing cost burden, the Demographics of Households with Severe Housing Cost Burden Table is provided.<sup>59</sup>

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<sup>59</sup> Severe housing cost burden represents by far the most significant type of housing issue at the national level, as identified in [HUD’s Worst Case Needs](#) for affordable housing measure.

The disproportionate housing needs section consists of three parts.

Part 1 requests analysis on four topics.

- a. Disproportionate housing needs by protected class groups.
- b. Identification of which areas experience the greatest housing burdens.
- c. Identification of needs of families with children related to the available housing stock.
- d. Differences in rates of renter and owner occupied housing by race/ethnicity.

Part 2 seeks additional information related to disproportionate housing needs for groups with other protected characteristics beyond those covered in the HUD-provided data, for the jurisdiction and region. This part also allows for additional information to be included relevant to this section to provide greater local context.

Part 3 asks program participants to consider a list of contributing factors (and any other contributing factors affecting the jurisdiction and region) and to identify contributing factors that significantly impact the disproportionate housing needs.

*AFH Prompt(s): Which groups by race/ethnicity and family status experience higher and severe rates of housing cost burden, overcrowding, or substandard housing when compared to others;*

*Which areas in the jurisdiction and region experience the greatest housing burdens, and how they align with segregated areas, integrated areas, R/ECAPs, and what is the predominant race/ethnicity or national origin group in such areas;*

*The comparison of the needs of families with children for housing units with two, and three or more bedrooms with the available existing housing stock in each category of publicly supported housing; and*

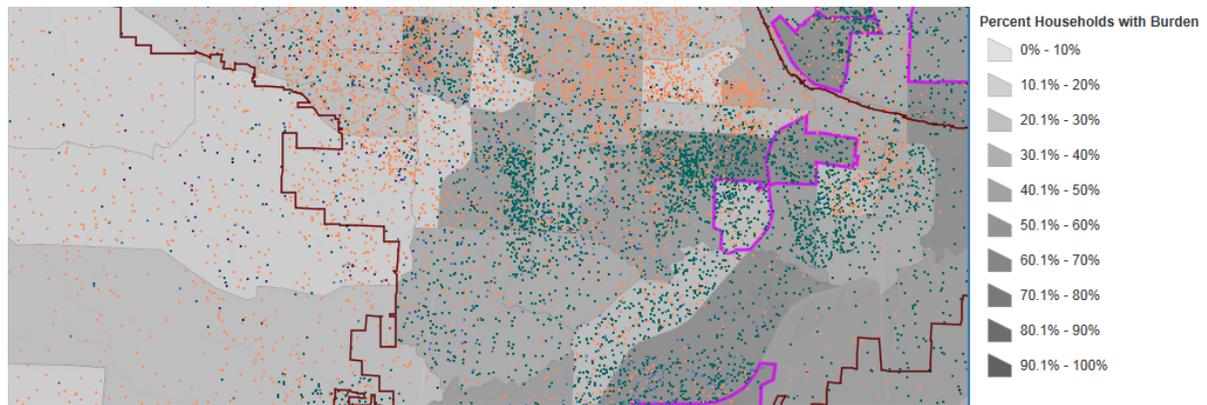
*The difference in rates of renter and owner occupied housing by race/ethnicity in the jurisdiction and region.*

The following example may help with this question.

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Example of Disproportionate Housing Needs Analysis

For an example of how disproportionate housing needs might be assessed, consider the included disproportionate housing needs thematic map and the following discussion. This map shows variations in housing needs by Census tract and includes race/ethnicity dot density overlays and R/ECAP overlays. The red outline shows the City’s boundaries. The darker gray areas are those areas with greater housing burdens and the lighter areas have less housing burdens. Please note that where data is also provided for groups with other protected characteristics and for the region, this data must also be assessed.



The areas with the greatest housing burden are downtown and show up in the center and on the east side of the map. Several areas with the highest rates of housing burden in areas of the City with predominantly Black populations (as indicated by the green dots) including two R/ECAPs in the northeast. However, there are some more integrated areas and areas with predominantly White populations in the center and northwest parts of the jurisdiction that also have relatively high rates of housing burden. Two tracts running from the center to the south of the jurisdiction, including one R/ECAP tract, have lower housing burden. Generally the housing burden decreases as one travels further out of center city toward the west. From a fair housing perspective, this map shows that both the White and Black populations experience housing burdens, including in the more integrated areas of the city. However, the map seems to show that the Black population experiences housing burdens at a slightly higher level.

*See appendix 7.2 for additional examples of how to use the HUD provided data to answer questions in the AFH.* Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

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Additional Information

The disproportionate housing needs section includes questions program participants must answer with additional information using local data and local knowledge, including information obtained through the community participation process, concerning disproportionate housing needs affecting groups with other protected characteristics.

In addition, program participants may discuss any other relevant information related to the analysis of disproportionate housing needs, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs. For PHAs, such information may include a PHA's overriding housing needs analysis.

#### Contributing Factors of Disproportionate Housing Needs

Contributing factors will be assessed and identified. *See Section 5.6 of this Guidebook for more information on contributing factors.*

#### **5.5.6 Publicly Supported Housing Analysis**

The AFH must include an analysis of publicly supported housing.

***The AFH defines the term “publicly supported housing” as housing assisted with funding through federal, State, or local agencies or programs as well as housing that is financed or administered by or through any such agencies or programs.***

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Using HUD-provided data, local data, and local knowledge, program participants must answer a series of questions designed to assess whether there are fair housing issues associated with the location or occupancy of publicly supported housing. The questions address the protected class characteristics of the persons and households receiving housing assistance, at both the program- and development-level, including comparisons with the overall population in the program participant's geographic area. This section also asks for an assessment of the areas in which the housing is located, including whether the housing is located in segregated or integrated areas, in R/ECAPs, or in areas with disparities in access to opportunity

The publicly supported housing section includes analysis for the jurisdiction and region. The inclusion of a larger regional analysis for program participants is necessary to put the local fair housing issues into context required by the Fair Housing Act and case law (*e.g., Thompson v. HUD*). While a program participant may be serving a central city, the regional conditions of neighboring jurisdictions may be highly relevant to identifying fair housing issues, including those that are beyond the grantees' immediate control or legal authority to influence.

### Why is a regional analysis required?

The duty to affirmatively further fair housing requires a regional analysis. The court in *HUD v. Thompson* placed a strong emphasis on the need for regional solutions to decrease segregation and racial isolation. For these reasons, a PHA would need to consider fair housing effects outside its jurisdictional border, as would an entitlement jurisdiction, in order to meet the requirements under the Fair Housing Act and fair housing case law. A PHA may conduct its own AFH with geographic scope and proposed actions scaled to the PHA's operations and region. PHAs choosing to conduct and submit an independent AFH, must include an analysis for the PHA service area and region, in a form prescribed by HUD, in accordance with § 5.154(d)(2).

Note that the AFH Assessment Tool provided by HUD will ultimately define program participants' regions.

**HUD-provided data.** HUD is currently providing data on five specific kinds publicly supported housing. The Assessment Tool and instructions refer to these as “program categories.”<sup>60</sup> The five program categories included in the HUD provided data are:

1. Public Housing;
2. Project-Based Section 8;
3. Other HUD multifamily housing (includes both Section 202—Supportive Housing for the Elderly and Section 811—Supportive Housing for Persons with Disabilities);
4. Low Income Housing Tax Credit (LIHTC) housing; and
5. Housing Choice Vouchers (HCV).

Other publicly supported housing relevant to the analysis includes housing funded through state and local programs, other federal agencies, such as U.S. Department of Agriculture and Veterans Affairs, or other HUD-funded housing not captured in the five categories listed

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<sup>60</sup> Note that program categories may differ from others due to multiple factors that the program participant may be aware of through local data and local knowledge. For instance, project-based Section 8 includes a large number of units that were financed through the original Section 202 direct loan program and these may be providing assistance to a different group of residents compared to other programs serving families with children. This context that might account for differences that appear in the HUD-provided table. There may be other factors that might account for differences, such as the effects of admissions policies or potentially, illegal steering.

above, such as the HOME program. Properties converted under the Rental Assistance Demonstration (RAD) are also relevant and must be assessed.<sup>61</sup>

The online Data Tool includes both maps and tables to assist with answering the questions in this section. This Data and Mapping Tool can be accessed through the User Interface or separately.

As with the other sections of the AFH, it may be helpful to first take a moment to look over the maps and tables to become familiar with them. HUD provides two maps for this section:

- **Publicly Supported Housing and Race/Ethnicity Map:** shows the location of individual developments for: public housing, project-based Section 8, Other HUD Multifamily (Section 202 and Section 811) and Low-Income Housing Tax Credits and contains the race/ethnicity dot density overlay for the jurisdiction and region.
- **Housing Choice Vouchers and Race/Ethnicity Map:** shows the density of Section 8 Housing Choice Vouchers usage by census tract through shading gradations,<sup>62</sup> and contains the race/ethnicity dot density overlay for the jurisdiction and region.

HUD provides four tables for this section:

- **Publicly Supported Housing Units by Program Category Table:** shows the total number of units in four program categories (public housing, project-based Section 8, Other HUD Multifamily and Section 8 HCV) in the jurisdiction. It also shows the total number of all housing units in the jurisdiction (including unassisted private market units) and what percentage of that total each program comprises.
- **Publicly Supported Housing Residents by Race/Ethnicity Table:** shows the race/ethnicity of residents of four program categories (public housing, project-based Section 8, Other HUD Multifamily and Section 8 HCV) in the jurisdiction. It also

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<sup>61</sup> HUD is exploring the option of providing a new separate program category for RAD converted properties. At the present time such properties are only present in some jurisdictions, although this number will grow over time as the program continues. RAD converted properties are embedded into the date for the much larger Project-based Section 8 and the locations of Section 8 Housing Choice Vouchers (for conversions to Project-based Vouchers), but program participants would still require local data and local knowledge to identify them.

<sup>62</sup> A census tract is a small subdivision or subset of a county or county equivalent (most commonly). Census tracts are set by the U.S. Census Bureau. They often, but not always, align with local neighborhoods. On average about 4,000 people live in a census tract, but this can vary. Census tracts are often used to present nationally available data at the local level.

includes the race/ethnicity for the total population, and for different income levels of residents in the jurisdiction.

- R/ECAP and Non-R/ECAP Demographics by Publicly Supported Housing Program Category Table: shows characteristics by race/ethnicity, elderly, persons with disabilities of residents in publicly supported housing for four program categories (public housing, project-based Section 8, Other HUD Multifamily and Section 8 HCV) that are located both in and outside of R/ECAPs in the jurisdiction.
- Demographics of Publicly Supported Housing Developments by Program Category Table: lists each development for three program categories (public housing, project-based Section 8 and Other HUD Multifamily) with the percent of residents by race/ethnicity and households with children in the jurisdiction.

Note that HUD currently only provides data for the jurisdictional level in the four tables identified immediately above. However, local data and local knowledge, as explained in the instructions to the Assessment Tool and Section 4.1.3 above, may inform the analysis at both the jurisdictional and regional levels. In addition, HUD is providing maps at both the jurisdictional and regional levels to assist with the regional analysis. HUD intends to provide additional data through the AFFH Data and Mapping Tool, including data that would be relevant for regional analyses of publicly supported housing. HUD will also work to ensure that data are provided in a format to reduce program participant burden, improve the accuracy of analyses, and facilitate the appropriate identification of fair housing issues, contributing factors, goals and priorities, and to inform strategies and actions.

**Query Tool.** The online Mapping and Data Tool includes an interactive query tool that will allow the user to sort and export data for four program categories (public housing, project-based Section 8, Other HUD Multifamily, and LIHTC) in the jurisdiction. Tenant characteristics by race/ethnicity and households with children will be available for the first three program categories.<sup>63</sup> The data also include characteristics for all persons (race/ethnicity and poverty) living in the census tracts for developments in the jurisdiction.

HUD will continue to explore opportunities to improve the data provided on publicly supported housing. Local data and local knowledge are important to address programs not covered in the HUD-provided data. For instance, several of the questions concern LIHTC

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<sup>63</sup> At the time of publication of this Guidebook, the Query Tool is still under final development. HUD will be providing specialized tables to the program participants that are required to begin completing their assessments. The tables will show demographics of all publicly supported housing developments and the demographics of Census tracts in which the developments are located. Please note that for LIHTC, only the demographics of the Census tracts in which the developments are located will be provided; occupancy demographics will be supplied using local data and local knowledge. These tables will also be available to the public on HUD Exchange website: <https://www.hudexchange.info/resource/4845/affh-map-5-data/>.

developments and properties converted through the RAD. Information is provided on the location of LIHTC developments as well as demographic characteristics of the census tracts in which they are located, but data on tenant characteristics at the development-level is not available. Similarly, several questions specifically reference RAD-converted properties for which local knowledge on their locations would be useful.<sup>64</sup>

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<sup>64</sup> Some Considerations for Publicly Supported Housing Data include:

The Project-based Section 8 program includes both “older assisted” and “newer assisted” properties. The Section 8 subsidy often overlaps with other financing programs, which sometimes includes the “older Section 202” direct loan program for the elderly, which operated from 1959-1990. Because of this overlap, the Project-based Section 8 tenant data will often reflect a greater number of elderly households and fewer non-elderly families with children and will often show a much smaller number of larger bedroom sized units.

The LIHTC data do not distinguish between properties that were new construction and those that were rehabilitation of existing buildings. LIHTC often overlaps with other HUD programs. In some cases, a significant percentage of residents of LIHTC properties may also receive Section 8 Housing Choice Vouchers. In addition, LIHTC is often used in conjunction with other funding sources, such as HOME or public housing. As such, the locations of developments will often overlap with these and other programs. Also note that LIHTC allocations for 4% credits are made under different criteria than 9% credits.

The publicly supported housing section consists of three parts.

Part 1 requests analysis on three topics, each with component questions.

- a. Publicly Supported Housing Demographics.
- b. Publicly Supported Housing Location and Occupancy.
- c. Disparities in Access to Opportunity.

Part 2 seeks additional information related to publicly supported housing for groups with other protected characteristics beyond those covered in the HUD-provided data, for the jurisdiction and region. This part also allows for additional information to be included relevant to this section to provide greater local context, which may include relevant programs, actions, or activities, such as tenant self-sufficiency, place-based investments, or mobility programs.

Part 3 asks program participants to consider a list of contributing factors (and any other contributing factors) affecting the jurisdiction and region and to identify contributing factors that significantly impact the siting or occupancy of publicly supported housing or disparities in access to opportunity for residents of publicly supported housing.

### Publicly Supported Housing Demographics Analysis

*AFH Prompt(s): Are certain racial/ethnic groups more likely to be residing in one category of publicly supported housing than other categories (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and Housing Choice Voucher (HCV))?*

This section begins with questions on the demographics of publicly supported housing by program category. This analysis seeks to identify whether certain programs are serving a higher or lower percentage of households of one particular population group when compared to the other program categories and the population as a whole. This includes an analysis of whether there is segregation or integration, and seeks to identify whether certain categories of publicly supported housing experience segregation or integration. To make such a determination, program participants must assess whether certain categories have more occupants of one demographic group when compared to the demographics of other categories. For example, the analysis may show whether one protected class group is more likely to be served by one program category, such as HCVs, when compared with those served by another program category, for instance public housing.

Examples of relevant local data and local knowledge that may assist a regional analysis include: demographic data from local and neighboring PHAs and policies and procedures concerning admissions and residency preferences for PHAs in the area. This local data and

local knowledge may be obtained by consulting local and neighboring PHAs, State housing finance agencies, fair housing organizations, and online resources, such as a housing preservation database. It is important to look at regional issues to assess if there are fair housing issues within the jurisdiction that are affected by a greater regional context, and whether regional solutions to those issues would be appropriate. For example, depending on what the regional analysis shows, regional solutions could include coordinated or merged waitlists, increasing HCV portability opportunities, affirmative marketing across jurisdictional lines, administering Section 8 vouchers on a regional basis with active mobility counseling, and landlord recruitment (including sharing of landlord lists across PHAs) to provide greater access to housing in areas with opportunity.

*AFH Prompt(s): Compare the demographics, in terms of protected class, of residents of each category of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and HCV) to the population in general, and persons who meet the income eligibility requirements for the relevant category of publicly supported housing. Include in the comparison, a description of whether there is a higher or lower proportion of groups based on protected class.*

Program participants must compare the demographics of residents for each category of publicly supported housing to the population in general, and to those who meet the income eligibility requirements for that respective program category. This analysis may help to identify whether the demographics of the population served by a particular program category is similar to or different from the overall population in the area, including when adjusted for income.<sup>65</sup> This analysis may help to identify whether certain racial/ethnic populations or other protected class groups have a disproportionate need for or any disparities in access to publicly supported housing. It also may identify whether any racial/ethnic populations or other protected class groups experience segregation within publicly supported housing or whether such housing is integrated. Local data and knowledge about the demographics of households on a PHA's waiting list may also be relevant in conducting this analysis. Again, there may also be factors that could account for differences in the demographics of publicly supported housing and its residents that may not be apparent from the HUD-provided data. For instance, the information on the overall population does not include data on the portion of the population that is elderly or for persons with disabilities, which is relevant for some

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<sup>65</sup> The Table for Publicly Supported Housing Residents by Race/Ethnicity includes the population characteristics for the overall population, including across key Area Median Income (AMI) bands: 0-30 percent; 0-50 percent and 0-80 percent. HUD program participants should be familiar with these income bands as they relate to the eligibility for the program categories and the income targeting requirements for new admissions. For instance, in a given year, PHAs are required to admit at least 40 percent of new households at or below 30 percent of AMI and all new admissions must be below 80 percent of AMI. For Housing Choice Vouchers, at least 75 percent of new vouchers issued must be issued to households at or below 30 percent of AMI and 100 percent of vouchers are capped at 50 percent of AMI.

programs (such as Section 202 or Section 811 in the “Other HUD Multifamily” program category).

Examples of relevant local data and local knowledge that may assist a regional analysis include: demographic data from local and neighboring PHAs and policies and procedures concerning admissions and residency preferences for PHAs in the area. This local data and local knowledge may be obtained by consulting local and neighboring PHAs, State housing finance agencies, fair housing organizations, and online resources, such as a housing preservation database. It is important to look at regional issues to assess if there are fair housing issues within the jurisdiction that are affected by a greater regional context, and whether regional solutions to those issues would be appropriate. For example, depending on what the regional analysis shows, regional solutions could include coordinated or merged waitlists, increasing HCV portability opportunities, affirmative marketing across jurisdictional lines, administering Section 8 vouchers on a regional basis with active mobility counseling, and landlord recruitment (including sharing of landlord lists across PHAs) to provide greater access to housing in areas with opportunity.

A regional analysis might also include a comparison of the analysis of Disproportionate Housing Needs experienced by members of a particular protected class in relation to the analysis of publicly supported housing. This might help in assessing whether certain protected class groups who experience disproportionate housing needs have sufficient access to publicly supported housing. This may inform coordination with other agencies in the region to address unmet housing needs, for instance, in combining different program resources such as HOME, LIHTC, or Project-based vouchers. A PHA may find that considering regional needs from a fair housing perspective better informs its policies on admissions preferences to take into account overall unmet housing needs of residents in a surrounding county or counties or the wider region, including members of protected classes that may experience disproportionate housing needs and disparities in access to publicly supported housing.

#### Publicly Supported Housing Location and Occupancy Analysis

Using the understanding of the demographic characteristics of the residents of publicly supported housing is necessary for these questions. Several questions ask for a comparison of the overall demographic characteristics of residents of the areas where publicly supported housing is located.

*AFH Prompt(s): Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs.*

This prompt seeks to have the program participant determine the extent to which each category of publicly supported housing is located in segregated areas or R/ECAPs. Program participants must assess the location of publicly supported housing including both developments in the program categories and locations of Housing Choice Voucher usage for

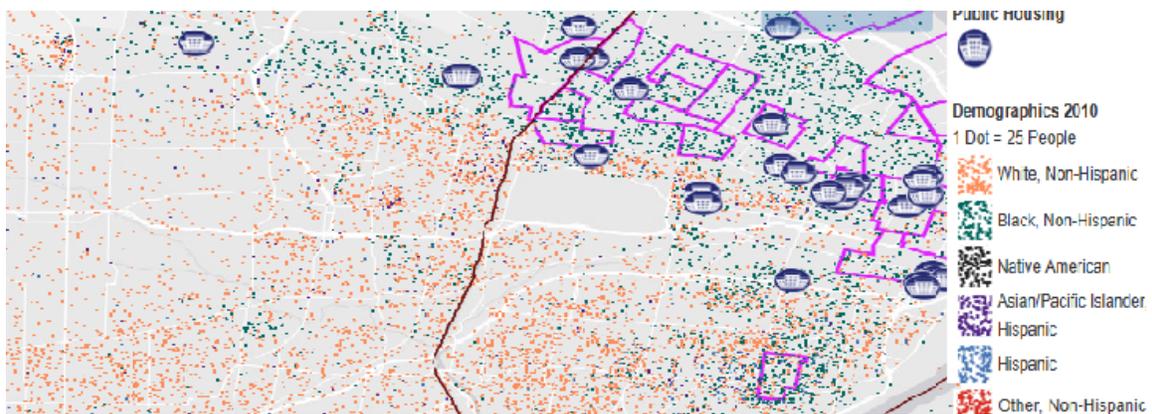
the jurisdiction and region. When describing the geographic location of the different categories of publicly supported housing, program participants must use HUD-provided maps, which show the location of publicly supported housing, as well as race/ethnicity dot density map overlays with R/ECAPs. These maps will assist in the consideration of the location of each program category’s developments in relation to patterns of segregation or integration and R/ECAPs.

Program participants must supplement this analysis with local data and knowledge about the location of publicly supported housing in the jurisdiction and region and note differences at the jurisdictional and regional levels. For example, program participants may wish to consider where voucher-holders live and whether voucher-holders in nearby communities within the region have successfully accessed housing in integrated neighborhoods, including neighborhoods with access to opportunity assets. The following example may help with this question.

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Example of Publicly Supported Housing Location and Occupancy Analysis

For an example, of how publicly supported housing might be assessed, consider the included map, which shows the location of public housing, race/ethnicity dot density, and R/ECAPs. Also consider the following discussion. Please note that where local data and local knowledge for groups with other protected characteristics and for the region, this information must also be assessed.



This map shows a presence of public housing in the north of the City. There appears to be segregation in the City, with the White population (orange dots) concentrated in the south part of the City and the Black population (green dots) concentrated in the north part of the City. In addition, all R/ECAPs are grouped together in the north part of the City, which is where the public housing is located, in areas that appear to be predominantly Black. Thus, a significant portion of public housing appears to be located in racially segregated and R/ECAP areas are occupied by the City’s Black population. Some of the public housing does appear to be located on the border between the areas occupied by Black residents and areas occupied by White residents, and a few (those farthest south) appear to be located in

integrated areas. See further discussion of public housing’s relationship to the fair housing issues of segregation in the discussion of public housing siting and occupancy in relation to Demographics of Publicly Supported Housing Developments by Program Category Table.

*See appendix 7.2 for additional examples of how to use the HUD provided data to respond to prompts in the AFH.* Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

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*AFH Prompt(s): Describe patterns in the geographic location for publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in relation to previously discussed segregated areas or R/ECAPs?*

Keeping in mind any patterns of segregation and R/ECAPs program participants identified in previous sections, program participants must describe patterns in the location of publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in the jurisdiction and the region. The program participant should use the segregation and R/ECAPs analyses from the previous sections, and R/ECAPs on the maps in assessing such patterns. For instance, are publicly supported housing developments that are available for families with children predominantly located only in R/ECAPs or in neighborhoods occupied for the most part by persons of a particular race or ethnicity or are they located in neighborhoods that are integrated? Where are publicly supported housing developments for elderly populations located, and are those neighborhoods primarily occupied by residents of a particular race or ethnicity or are the neighborhoods integrated? The same analysis is also performed for publicly supported housing developments that primarily housing individuals with disabilities. For this section, program participants should rely primarily on local data and knowledge.

In conducting this analysis, program participants should note that Other HUD Multifamily units include properties funded through Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities. While not an exact representation of housing that serves families with children, elderly persons, or persons with disabilities, viewing this housing type on the HUD-provided maps may supplement or confirm local data and knowledge about the patterns in the location of housing that serves these populations. Program participants must identify if there are demographic differences in the population groups these types of housing serve and whether there is any relationship to the demographics of the population served and the demographics of the neighborhoods where the housing is located.

*AFH Prompt(s): How does the demographic composition of occupants of publicly supported housing in R/ECAPS compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPs?*

Program participants must compare the demographic composition of occupants of publicly supported housing in R/ECAPs to the demographic composition of occupants of publicly supported housing outside of R/ECAPs. The relevant table provides this information for four

program categories: public housing, project-based Section 8, Other HUD Multifamily and Housing Choice Vouchers. The table aggregates key attributes for housing located inside and outside of R/ECAPs, including the race/ethnicity of assisted households, the percent of households that are elderly (defined by the head of the household), the percent of persons with a disability as well as the total number of units for each program category. Note that while age is not a protected class under the Fair Housing Act, information on elderly households is provided because it is often relevant to how programs operate at the local level, with some buildings or programs designated or designed to serve seniors. Since the Fair Housing Act protects families with children and persons with disabilities from discrimination, it is important to assess whether there are differences in the patterns of siting of publicly supported housing that serves families with children versus publicly supported housing that serves elderly populations. The same comparison should be done for publicly supported housing that primarily serves persons with disabilities.

Program participants may wish to first review the “total units” column in the table provided showing the demographics of households and residents in publicly supported housing program categories in R/ECAPs and non-R/ECAPs. It may be useful as a point of reference, to estimate what portion of the stock of each program is located inside and outside R/ECAPs.

Program participants must compare the demographic composition of occupants of each form of publicly supported housing who are living in R/ECAPs to those living outside of R/ECAPs. Note whether the composition of the households living in R/ECAPs is different from the composition of households living in non-R/ECAP tracts. Is there a greater proportion of certain racial/ethnic groups in units in R/ECAP tracts compared to the households residing in units in non-R/ECAP tracts? For instance, in units in a given program category are the households in units in R/ECAP tracts made up of a higher percentage of minority group households when compared to the households in units in non-R/ECAP tracts for that same program category? The program participant should make these types of comparisons for each program category provided: Public Housing, Project-based Section 8, Other HUD Multifamily and Section 8 Housing Choice Vouchers.

A regional analysis of publicly supported housing in relation to R/ECAPs may be considered by referring to the R/ECAP maps with the location of publicly supported housing overlaid. Local data and local knowledge may be obtained by consulting with local and neighboring PHAs, State housing finance agency, fair housing organizations, and online resources. It is important to look at regional issues to assess if there are fair housing issues within the jurisdiction that are affected by a greater regional context, and whether regional solutions to those issues would be appropriate. For example, depending on what the regional analysis shows, regional solutions could include regional planning solutions, which, for example, can allow intentional connection of affordable housing to quality schools, employment opportunities, and transportation assets, without being constrained by jurisdictional borders. The analysis could inform the CDBG or HOME agency’s decisions on how best to target funds for new construction or housing rehab to address unmet needs, for instance in regional siting decisions for new housing opportunities for families with children that are both outside of R/ECAPs and near higher performing schools. Similarly, regional solutions could include examining and amending as appropriate regulations, policies, and practices that reduce or

enhance regional inequality experienced by protected class groups. It might also inform the fair housing implications of siting decisions for replacement housing under Choice Neighborhoods or conversions under RAD that include a demolition component. Considering R/ECAPs and publicly supported housing at the regional level can inform the fair housing implications of the use of the Project-based Rental Assistance Transfer authority to maintain current levels of assistance for long-term affordable units, while shifting units to newer buildings in areas outside of R/ECAPs or in making siting decisions combining LIHTC and the Section 811 Project Rental Assistance Demonstration in order to promote integration.

As with all of the questions in the analysis section, local understanding of a program participant's community may offer important context for the R/ECAP and non-R/ECAP demographics reported for the participant's jurisdiction and region with respect to the demographics of residents of publicly supported housing. The following example may help with this question.

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#### Example of Publicly Supported Housing Location and Occupancy Analysis

For an example, of how publicly supported housing might be assessed, consider the included table, which shows the demographic composition of publicly supported housing in R/ECAPs compared to publicly supported housing outside of R/ECAPs. Also consider the following discussion.

Quick notes on using the table:

- In the table, it may be helpful to first review the “total units” column. In this example, public housing has the greatest proportion of the total program inventory located in R/ECAPs: A greater number are located in R/ECAP tracts (1,423 units) than in non-R/ECAP tracts (1,256 units). Please note that the percentages in the columns showing resident characteristics do not sum to 100 percent moving down the column. The column shows the percentages of the total units in each row whose residents have that particular characteristic. Moving across the row, the percentages for the race/ethnicity groups should sum to 100 percent (or very close to it).
- Each column listing characteristics shows the percent of the “total units” along the same row whose residents have that characteristic. So, the “% elderly” column is the percent of the “total units” in that row that are occupied by elderly households. Similarly, the “% White” and “% Black” columns show the percent of the total units in that row that are occupied by families of each of those races (defined by the head of household). Please note that the “% with a disability” is measured slightly differently and shows the percent of all persons residing in units with a disability, and these may include either an adult or a child in a family in units in a given row.

**Table 9 - R/ECAP and Non-R/ECAP Demographics by Public Housing Type**

City XYZ CDBG	Total # units (occupied)	% Elderly	% with a disability*	% White	% Black	% Hispanic	% Asian or Pacific Islander
<b>Public Housing</b>							
R/ECAP tracts	1,423	19.64	19.11	0.45	99.24	0.08	0.00
Non R/ECAP tracts	1,256	20.13	45.21	2.87	96.89	0.00	0.25
<b>Project-based Section 8</b>							
R/ECAP tracts	1,801	16.37	20.04	2.37	96.90	0.40	
Non R/ECAP tracts	4,338	57.53	34.13	27.33	68.74	2.17	1.09
<b>Other HUD Multifamily</b>							
R/ECAP tracts	323	75.15	20.00	4.64	95.36	0.00	0.00
Non R/ECAP tracts	862	85.70	15.38	24.24	70.01	0.98	4.65
<b>HCV Program</b>							
R/ECAP tracts	1,726	19.27	15.71	1.76	97.88	0.00	0.24
Non R/ECAP tracts	3,019	13.84	18.78	5.24	94.42	0.21	0.07

In the table above, some comparisons of note are that the demographic makeup of two program categories—project-based Section 8 and Other HUD Multifamily—have a higher composition of White Non-Hispanic occupants in the units located outside of R/ECAPs compared to the units located in R/ECAPs. Another item of note is that project-based Section 8 elderly units are also much more likely to be located in non-R/ECAP tracts, compared to family units.<sup>66</sup> For instance, about 58% of the project based Section 8 units located in non-R/ECAP tracts are occupied by elderly households, while only about 16% of the units located in in R/ECAP tracts are occupied by elderly households. Thus project-based Section 8 units in this example tend to have a higher percentage of elderly households when compared to project-based Section 8 units located in R/ECAPs. Additionally, across that same program category—project based Section 8—the units that are predominantly occupied by White residents are located outside of R/ECAPs. This finding, along with the fact that elderly households are also predominantly located outside of R/ECAPs may be of note. Local data and local knowledge could be important to help explain potential reasons or factors for this apparent disparity.

In the other two programs categories—public housing and HCVs—there are also differences in terms of race/ethnicity (for public housing located in R/ECAPs, 99% of the residents are Black as compared to public housing located outside of R/ECAPs where 97% of residents are Black. Ninety-eight percent of HCV holders who reside in R/ECAPs are Black as compared to 94% of HCV holders who reside outside of R/ECAPs). However, it would also be important to note the larger context, which is that Black residents appear to be heavily represented in both program categories, making up over 90% of the households in both program categories.

<sup>66</sup> Please note that while the table does not provide a column for families with children, the fact that there is a column for elderly percent means that it is less likely that families with children occupy the units measured for each category of publicly supported housing in the table.

See appendix 7.2 for more examples of using the HUD provided data to answer questions in the AFH. Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

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*AFH Prompt(s): Do any developments of public housing, properties converted under the RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class, than other developments of the same category? Describe how these developments differ. Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing.*

This section next asks several questions that require consideration of the tenant characteristics at the individual development level in the jurisdiction. Program participants must analyze whether any developments of public housing, properties converted under RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class, than other developments of the same category. The Table on Demographics of Publicly Supported Housing Developments by Program Category with tenant characteristics of publicly supported housing (by race/ethnicity and households with children) will assist with these questions.

HUD-provided data will assist in this analysis, but local data and local knowledge will be needed to provide information about the demographics of residents of properties converted under the RAD process and for LIHTC developments. In addition, local data and local knowledge must be used to analyze protected classes not identified in HUD-provided maps and tables with respect to this analysis, such as disability and national origin. Program participants are asked to provide additional information, if any, about occupancy by protected classes for other publicly supported housing categories beyond public housing, LIHTC and RAD.

*AFH Prompt(s): Compare the demographics of occupants of developments, for each category of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, properties converted under RAD, and LIHTC) to the demographic composition of the areas in which they are located. Describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity. Describe any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.*

This section next asks several questions that require consideration of the tenant characteristics at the individual development level in the jurisdiction. Program participants must analyze how the demographics of residents of developments of public housing, project-based Section 8, Other HUD Multifamily Assisted developments, properties converted under RAD, and LIHTC developments compare to the demographic composition of the surrounding census tract. The program participant should be aware of any patterns of segregation in the analysis of housing categories' occupancy. For example, if any publicly supported housing developments are occupied primarily by persons of one race/ethnicity are

located in areas occupied by persons of the same race/ethnicity. The program participant must analyze any demographic difference for housing types that serves families with children, elderly persons, or persons with disabilities. The program participant should note any patterns of segregation in the analysis of occupancy of the different housing types. For example, program participants should note if elderly housing is occupied primarily by persons of one race or ethnicity, while housing that serves families with children shows a different demographic composition.

The Table on Demographics of Publicly Supported Housing Developments by Program Category with tenant characteristics of publicly supported housing (by race/ethnicity and households with children) and the Map of Publicly Supported Housing and Race/Ethnicity showing the location of developments will assist with these questions.

This is also where the query function in the Mapping and Data Tool will be key. Before using the query function, program participants may wish to review the Table on Demographics of Publicly Supported Housing Developments by Program Category first to get a sense of the range of tenant composition in publicly supported housing developments in the program categories. This may help the program participant in selecting a range to use in sorting the data using the query function. This query function will allow users to filter and sort demographic data for both developments and census tracts by common characteristics for public housing, project-based Section 8, and Other HUD Multifamily housing developments. The query tool will include census tract demographic characteristics for LIHTC developments. The query is intended to reduce grantee burden and improve the accuracy of analyses.<sup>67</sup> A table can then be exported showing the results.<sup>68</sup>

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<sup>67</sup> At the time this Guidebook is published, please note that HUD is in the process of adding functionality to the Data and Mapping Tool to further sort and export census tract and occupancy demographic data from Map 5 to generate a table for the categories of publicly supported housing (i.e., public housing, project-based Section 8, Other HUD Multifamily Assisted developments (e.g., Sections 202 and 811), and LIHTC, provided that it will exclude occupancy demographic data for LIHTC developments, which should be analyzed using local data and local knowledge). Until such time, HUD provides program participants and the public with this data in an alternate tabular format in three ways: (1) directly to program participants, (2) through a link on the HUD Exchange AFFH webpage, and (3) as a hyperlink for download in Map 5 of the Data and Mapping Tool.

<sup>68</sup> A note on “developments” in the HUD-provided data. Data related to public housing may be affected by asset management project (AMP) groupings. For instance, where public housing agencies report data for developments located at different sites as one AMP, the map showing the locations of the categories of publicly supported housing will only display this data at one location. Similarly, the table showing the census tract and occupancy of public housing will only show AMP groupings once, rather than for each site. In certain circumstances, AMP groupings may affect the fair housing analysis. For example, AMP groupings will impede siting and occupancy analyses where AMP

The Mapping and Data Tool query function will also provide the overall demographic characteristics for the census tracts where publicly supported housing developments are located. This will assist in answering the question asking for a comparison between the occupants of developments in each program category and the demographics of the areas (census tracts) where the developments are located.<sup>69</sup>

#### Disparities in Access to Opportunity

*AFH Prompt(s): Describe any disparities in access to opportunity for residents of publicly supported housing, including within different program categories (public housing, project-based Section 8, Other HUD Multifamily Assisted Developments, HCV, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.*

Program participants must describe any disparities in access to opportunity for residents of publicly supported housing, including any differences within program categories and between housing types in the jurisdiction and the region. The analysis conducted in the previous Disparities in Access to Opportunity section should help in answering this question. Local data and local knowledge will assist in addressing the portion of the question about housing serving primarily families with children, elderly persons or persons with disabilities.

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groupings have combined buildings that are in demographically different neighborhoods. For this reason, local data and local knowledge relating to the siting and occupancy of publicly supported housing may be particularly useful in answering the questions in this section.

In conducting this analysis, program participants should be aware that the reliability and utility of the demographic occupancy information may be affected for smaller developments – that is, smaller developments may appear to have greater variance, but because of the small size of the development the variance may not be statistically significant. It is also important to note that due to privacy concerns, data is not provided on tenant characteristics when there are only a very small number of persons or households (i.e. 10 or fewer) with a particular characteristic in individual developments.

Also note that, as stated in the Assessment Tool instructions, “[p]rogram participants are required to comply with the Privacy Act of 1974 (5 U.S.C. § 552a), and applicable State laws in the collection, maintenance, use and dissemination of personally identifiable information.”

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<sup>69</sup> Note that the data on the population in the census tract includes the population residing in publicly supported housing. In Census tracts where there are larger numbers of residents of publicly supported housing, the demographics of the census tracts will tend to resemble the composition of the publicly supported housing developments themselves.

### Additional Information

Program participants must provide additional relevant information, if any, about occupancy by protected class in other types of publicly supported housing in the jurisdiction and region. As with the other analysis sections throughout the Assessment, this would include information about groups with other protected characteristics. It would also include information about housing not included in the HUD-provided data.

The “additional information” questions in this section also allow a space to describe relevant programs, actions, or activities, such as tenant self-sufficiency, place-based investments, or mobility programs. This additional relevant information related to their analysis of publicly supported housing in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs, transforming R/ECAPs by addressing the combined effects of segregation coupled with poverty, increasing integration, and increasing access to opportunity, such as high-performing schools, transportation, and jobs.

### Contributing Factors of Publicly Supported Housing

Contributing factors will be assessed and identified. *See Section 5.6 of this Guidebook for more information on contributing factors.*

#### **5.5.7 Disability and Access Analysis**

The AFH must include an analysis of disability and access. This section guides program participants through an analysis of fair housing issues faced by individuals with disabilities in the jurisdiction and region and focuses on the fair housing issues assessed in previous sections from the perspective of individuals with disabilities. While individuals with disabilities may experience the same fair housing issues as individuals without disabilities, they also may experience additional disability-related barriers that are distinct from the barriers experienced by individuals without disabilities<sup>70</sup>—for this reason the disability related fair housing analysis is contained in its own section, but also may also be assessed throughout the AFH.

Under Federal law, the term “disability” means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more major life activities of such individual;

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<sup>70</sup> For example, some individuals with disabilities may need specific accessibility features or additional services in housing, transportation, education, and other programs or facilities in order to have an equal opportunity.

- A record of such an impairment; or
- Being regarded as having such an impairment.<sup>71</sup>

*For the purposes of the AFFH rule, for persons with disabilities, “segregation” includes a condition in which the housing or services are not in the most integrated setting appropriate to an individual’s needs in accordance with the requirements of the Americans with Disabilities Act (42 U.S.C. 12101, et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). (See 28 CFR part 35, appendix B, addressing 25 CFR 35.130.) 24 C.F.R. § 5.152*

*For the purposes to the AFFH rule, for persons with disabilities, “integration” means that such individuals are able to access housing and services in the most integrated setting appropriate to the individual’s needs. The most integrated setting is one that enables individuals with disabilities to interact with persons without disabilities to the fullest extent possible, consistent with the requirements of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). See 28 CFR part 35, appendix B (addressing 28 CFR 35.130 and providing guidance on the American with Disabilities Act regulation on nondiscrimination on the basis of disability in State and local government services). 24 C.F.R. § 5.152*

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**HUD-provided data.** It may be helpful to first take a moment to look over the maps and tables to become familiar with them. HUD provides two maps for this section:

- Disability by Type Map: shows dot density of persons with vision, hearing, cognitive, ambulatory, self-care, and independent living disabilities for Jurisdiction and Region. R/ECAP can be shown.
- Disability by Age Group Map: shows dot density of all individuals with disabilities by age range (5-17; 18-64; and 65+) dot density map for Jurisdiction and Region. R/ECAP can be shown.

HUD provides three tables for this section:

- Disability by Type Table: shows data of persons with vision, hearing, cognitive, ambulatory, self-care, and independent living disabilities for the Jurisdiction and Region.

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<sup>71</sup> Disability is defined for purposes of the AFFH rule in 24 C.F.R. § 5.152.

- Disability by Age Group Table: shows data of persons with disabilities by age range (5-17, 18-64, and 65+).

Disability by Publicly Supported Housing Program Category Table: shows data on disability and publicly supported housing for the Jurisdiction and Region.

There are limited sources of nationally uniform data on the extent to which individuals with disabilities are able to access housing and other community assets. Local data and local knowledge may be particularly useful in completing this section, including, but not limited to, information provided by the public, outside organizations and other government agencies in the community participation process.

The disability and access section consists of seven parts, each with component questions.

Part 1 requires analysis on the population profile, including the geographic dispersion of persons with disabilities.

Part 2 requires analysis on housing accessibility.

Part 3 requires analysis of the integration of persons with disabilities living in institutions and other segregated settings into community based settings.

Part 4 requires an analysis of disparities in access to opportunity for persons with disabilities.

Part 5 requires an analysis of disproportionate housing needs for persons with disabilities.

Part 6 asks program participants to provide any additional relevant information (beyond the HUD provided data) about disability and access in the jurisdiction and region.

Part 7 asks program participants to consider a list of contributing factors (and any other contributing factors affecting the jurisdiction and region) and to identify contributing factors that significantly impact disability and access.

#### Population Profile: Disability and Access Analysis

*AFH Prompt(s): How are persons with disabilities geographically dispersed or concentrated in the jurisdiction and region, including R/ECAPs and other segregated areas identified in*

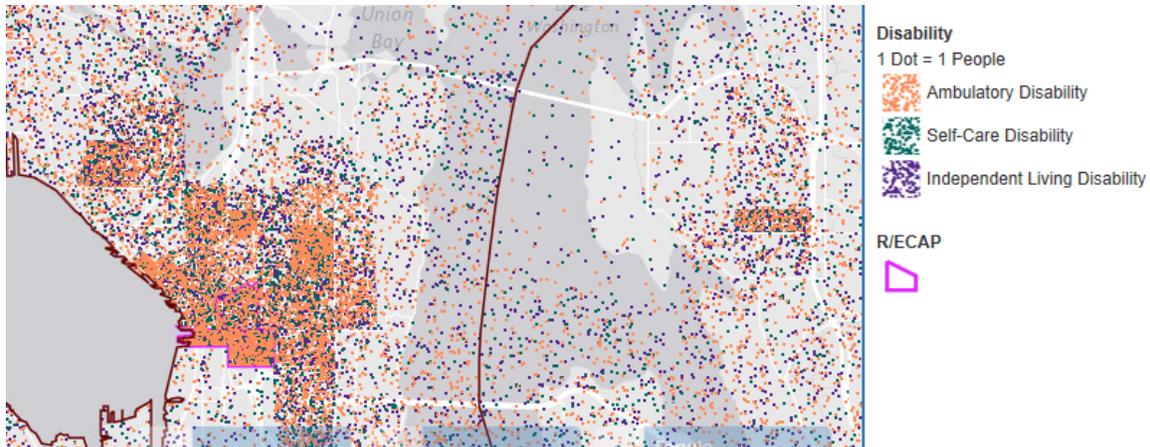
*previous sections? Describe whether these geographic patterns vary for persons with each type of disability or for persons with disabilities in different age ranges.*

This section begins with a population profile, or demographic analysis, of how and where persons with disabilities are geographically dispersed or concentrated in the jurisdiction and region, including in segregated areas or R/ECAPs. This analysis will identify if certain disabled populations experience segregation by assessing geographic patterns. The following example may help with this question.

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### Example of Population Profile Analysis

For an example of how disability and access may be assessed, consider the included map, which shows the location of persons with disabilities by disability type. This map provides information in the form of a dot density layer on certain disability types: ambulatory disability, self-care disability, and independent living disability. Another map is also available based on hearing, vision, and cognitive disability. Also consider the following discussion.



This map shows a population of persons with ambulatory disabilities (orange dots). The map illustrates, to a lesser extent, people with self-care disabilities (green dots) and independent living disabilities (purple dots). While there are individuals with all these types of disabilities living throughout the jurisdiction and region, there are also some concentrations to note. There is a concentration of persons with ambulatory disabilities in the western part of the area (comprising the downtown area), as well as a concentration of persons with ambulatory disabilities in the eastern part of the area. The western concentration is downtown, which is connected to accessible public transportation. This area has a high proportion of people overall and generally there may be some clustering in this area. Participants may be able to identify where there are overall differences in persons with disabilities compared to the general population by comparing the disability related-map with the race/ethnicity dot density map. The concentration in the east represents a care facility called Woodlawn Manor, which is of concern for Olmstead reasons (see further discussion in Olmstead questions below).

*See appendix 7.2 for additional examples of how to use the HUD-provided data to answer questions in the AFH.* Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

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*Housing Accessibility: Disability and Access Analysis*

*HUD Prompt(s): Describe whether the jurisdiction and region have a sufficient supply of affordable, accessible housing in a range of unit sizes. Describe the areas where accessible housing is located and their relationship to segregated areas and R/ECAPs. To what extent to are persons with different disabilities able to access and live in different categories of publicly supported housing.*

This section includes an assessment of housing accessibility.

Integration of Persons with Disabilities Living in Institutions and Other Segregated Settings: Disability and Access Analysis

*HUD Prompt(s): To what extent do persons with disabilities in or from the jurisdiction or region reside in segregated or integrated settings? Describe the range of options for persons with disabilities to access affordable housing and supportive services.*

Program participants are asked to assess the integration of persons with disabilities living in institutions or other segregated settings. A significant component of this analysis is a program participant's assessment of issues related to the Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999). Individuals with disabilities have historically faced discrimination that limited their opportunity to live independently in the community with appropriate supports and required them to live in institutions or other segregated settings. In *Olmstead*, the Court held that the unjustified segregation of individuals with disabilities is a form of discrimination prohibited by Title II of the Americans with Disabilities Act (ADA).<sup>72</sup> Following this decision, there have been increased efforts across the country to assist individuals who are living in institutional settings or who are housed in other segregated settings to move to integrated, community-based settings. HUD programs serve as an important resource for affordable housing opportunities for individuals with disabilities, including individuals who are transitioning out of, or at serious risk of entering, institutions. In this portion of the assessment, program participants are asked to assess to what extent persons with disabilities reside in segregated or integrated settings, as well as the range of options for persons with disabilities to access affordable housing and supportive services in community-based settings within the jurisdiction and region.

Disparities in Access to Opportunity: Disability and Access Analysis

*HUD Prompt(s): To what extent are persons with disabilities able to access the following? Identify major barriers concerning:*

1. *government services and facilities;*
2. *public infrastructure, such as sidewalks, pedestrian crossings, pedestrian signals;*

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<sup>72</sup> For additional information relating to *Olmstead*, refer to the [Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of \*Olmstead\*](#).

3. *transportation;*
4. *proficient schools and educational programs; and*
5. *jobs.*

*Describe the processes that exist in the jurisdiction and region for persons with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above. Describe any difficulties in achieving homeownership experienced by persons with disabilities and by persons with different types of disabilities.*

This section includes an assessment of disparities in access to opportunity for persons with disabilities. This includes the identification of major barriers faced by individuals with disabilities to various services and facilities, infrastructure, and opportunity indicators.

Program participants must describe the processes for persons with disabilities to request reasonable accommodations and accessibility modifications to address the barriers discussed. Lastly, program participants must consider any difficulties in achieving homeownership for persons with disabilities.

#### Disproportionate Housing Needs: Disability and Access Analysis

This section includes an assessment of disproportionate housing needs for persons with disabilities, including for persons with certain types of disabilities.

#### Additional Information

Program participants must provide additional relevant information, if any, about disability and access, including relevant information with respect to other protected class groups for which HUD has not provided data.

#### Disability and Access Contributing Factors

Contributing factors will also be assessed and identified. *See Section 5.6 of this Guidebook for more information on contributing factors.*

### **5.5.8 Fair Housing Enforcement, Outreach Capacity, and Resources Analysis**

The AFH must include an analysis of fair housing enforcement, outreach capacity, and resources.

***The AFFH rule defines “fair housing enforcement and fair housing outreach capacity” to mean “the ability of a jurisdiction, and organizations located in the jurisdiction, to accept complaints of violations of fair housing laws, investigate such complaints, obtain remedies, engage in fair housing testing, and educate community members about fair housing laws and rights.” 24 C.F.R. § 5.152 Included within the definition are State and local Fair Housing***

***Assistance Program agencies (FHAPs) and Fair Housing Initiative Programs (FHIPs).***

The fair housing enforcement, outreach capacity, and resources section consists of five parts.

Part 1 requires a summary of fair housing issues and capacity in the jurisdiction, in which the program participant discusses, among others, any findings, lawsuits, enforcement actions, settlements, or judgments related to fair housing or other civil rights laws, and an assessment of the jurisdiction's fair housing outreach capacity.

Part 2 requires an identification of any state or local fair housing laws.

Part 3 seeks an identification of local and regional fair housing agencies and organizations.

Part 4 asks program participants to provide any additional relevant information (beyond the HUD-provided data) about fair housing enforcement, outreach capacity, and resources in the jurisdiction and region affecting groups with other protected characteristics.

Part 5 asks program participants to consider a list of contributing factors (and any other contributing factors affecting the jurisdiction and region) and to identify contributing factors that significantly impact fair housing enforcement, outreach capacity, and resources.

**Fair Housing Enforcement, Outreach Capacity, and Resources Analysis**

*AFH Prompt(s): List and summarize any of the following that have not been resolved: a charge or letter of finding from HUD concerning a violation of a civil rights-related law, a cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law, a letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law, or a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing.*

This section requires program participants to describe compliance with fair housing and civil rights laws by listing and summarizing the existence and status of a number of fair housing related factors.

*AFH Prompt(s): Describe any state or local fair housing laws. What characteristics are protected under each law?*

Program participants must describe any state or local fair housing laws, and the characteristics that are protected under each law.

*AFH Prompt(s): Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.*

This section requires program participants to identify local and regional fair housing or civil rights agencies and organizations that provide fair housing information, outreach, and enforcement, and to describe their capacity to assist in fair housing analysis and investigation. In addition, this section provides the opportunity for program participants to discuss the affirmative steps they have taken to provide resources to such agencies and organizations. Program participants may wish to establish collaborative partnerships with State and local FHAPs and FHIPs as these organizations may be knowledgeable about the fair housing issues in the jurisdiction and region.

#### Additional Information

Program participants must provide additional relevant information, if any, about fair housing enforcement, outreach capacity and resources in the jurisdiction and region. The program participant may also include information relevant to programs, actions, or activities to promote fair housing outcomes and capacity in the jurisdiction and region.

#### Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors

Contributing factors will be assessed and identified. *See Section 5.6 of this Guidebook for more information on contributing factors.*

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### **5.6 Fair Housing Contributing Factors**

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The AFH includes an analysis of fair housing contributing factors for each section in the fair housing analysis section. The identification of contributing factors is an important component of the AFH—to assess why members of particular protected classes may experience restricted housing choice due to segregation, R/ECAPs, disparities in access to opportunity, disproportionate housing needs, or other fair housing issues.

***The rule defines a “fair housing contributing factor” as a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues. 24 C.F.R. § 5.152.***

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Contributing factors may be public or private policies, practices, or procedures that create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. Please note that those factors contributing to fair housing issues may differ depending on local context. For example, when assessing patterns of segregation the contributing factors will likely vary between different geographic areas of the jurisdiction and region. Contributing factors may be outside of the ability of the program participant to control or influence.

However, such factors, if relevant to the jurisdiction or region, must still be identified. For example, a contributing factor may be beyond the political boundary of the program participant—such as an environmental health hazard. In such cases, there may be policy options or goals that a program participant could identify, while recognizing the limitations involved—for example, promoting regional coordination by working with neighboring jurisdictions to address those factors and related fair housing issues. *See 7.6 of the Appendix for a list and descriptions of potential contributing factors.*

In the Assessment Tool, HUD provides a list of potential contributing factors in each section, accompanied by descriptions of those potential factors. Program participants must consider the HUD-provided list of potential fair housing contributing factors, along with the explanation of each factor, to determine whether any factor listed creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues. Program participants must also identify any other factors, not included on the HUD-provided list, if they create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. In addition to the analysis using HUD-provided data, local data, and local knowledge in each section of the AFH, the community participation process may be of assistance to program participants in helping to identify and prioritize the contributing factors that should be the focus of the AFH.

Under the AFFH rule, program participants must:

- Identify fair housing issues and significant contributing factors;
- Prioritize contributing factors, giving highest priority to those factors that limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights compliance;
- Justify the prioritization of contributing factors; and
- Set priorities and goals to address the identified contributing factors and related fair housing issues.

Please note that program participants conducting a joint or regional AFH must still analyze and address fair housing issues and contributing factors that affect fair housing choice at the local and regional levels.

### Contributing Factor Prioritization and Justification

Using HUD-provided data and local data and local knowledge, program participants will identify fair housing issues and significant contributing factors; prioritize contributing factors, and set goals to overcome contributing factors and related fair housing issues.

The identification and prioritization of contributing factors is a process intended to inform goal setting, and help identify strategies, actions, and policy responses to fair housing issues. Fair housing contributing factors must be identified and prioritized for the jurisdiction and region. For each fair housing issue, program participants must prioritize the identified

contributing factors, giving the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance. Program participants must also justify the prioritization of the contributing factors that are addressed by goals identified in the AFH.

Some examples of how program participants may prioritize contributing factors include, but are not limited to:

- List contributing factors as having low, moderate, or high priority;
- List contributing factors numerically from highest to lowest priority; or
- Mark contributing factors as either priority or non-priority items.

Despite the discretion program participants have in methodology used to prioritize factors, the method of prioritization must give the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance. The prioritization of contributing factors must also be justified. It is important to note that program participants are required to, “set goals for overcoming the effects of contributing factors as prioritized,” in this process. It would be expected therefore that a “high priority” contributing factor would have a corresponding goal established to overcome the effects of that factor.

The following exhibit provides an example of how contributing factors might be prioritized and how the prioritization is justified. Note that the format of the examples listed below may not appear in the same manner in the user interface. *For additional contributing factor prioritization and justification examples, see the 7.3 of the appendix.*

### **Example of Contributing Factors Prioritization and Justification**

**Contributing Factor Identified:** Lack of public investment in specific neighborhoods, including services or amenities

**Prioritization:** High

**Justification:** The analysis shows patterns of segregation often related to neighborhood conditions. The lack of public investments in specific neighborhoods has been selected as a contributing factor of high priority because of its significant effect on fair housing choice and the fair housing issues of segregation, R/ECAPs, and access to opportunity.

The City has traditionally divided its funding equally among neighborhoods. While equally distributing funds allows some areas to adequately support their community development needs, it does not allow those areas with the greatest need to meet their community revitalization needs, namely the northeast area of the City. The northeast area has a high need for improvement of housing quality, including lead-based paint remediation; improvement of sidewalks and streetlights; revitalization of parks and other positive community amenities; crime deterrent programs, including community policing

strategies; as well as other comprehensive community revitalization to make the area more attractive to private investment.

The City is setting a goal for this contributing factor, not only to target funding in a strategic manner in order to address community revitalization needs, but also because this contributing factor can be easily addressed through a change in City policy. The need for public investment in the northeast area of the City restricts housing choice and access to opportunity. This contributing factor also relates to the discussion of lack of community revitalization strategies, which was also identified as a significant contributing factor for the jurisdiction.

**Contributing Factor Identified:** Lack of private investment in specific neighborhoods

**Prioritization:** Moderate

**Justification:** The analysis shows patterns of segregation often related to neighborhood conditions. The lack of private investment in specific neighborhoods has been selected as a contributing factor of moderate priority affecting the fair housing issues of segregation, R/ECAPs, and access to opportunity. The prioritization is moderate because, while the factor is significant, there are other factors, such as lack of public investment in specific neighborhoods including services or amenities and the location and type of affordable housing, that have significantly greater effects on fair housing choice and access to opportunity.

There is a need for increased private investment, such as retail stores, banking institutions, and mixed financing/mixed-income housing in the northeast area of the City. The northeast area of the City lacks grocery stores, pharmacies, and banks, and instead is replete with dollar stores and payday loan establishments, and also has a concentration of publicly supported housing units. The City is setting a longer term goal for this contributing factor because in order to attract private investment to specific neighborhoods that are in need of investment, both community revitalization and adequate public investment will likely need to come first.

## 5.7 Setting Fair Housing Priorities and Goals

After identifying fair housing issues and contributing factors, program participants must establish specific fair housing goals. Program participants should be mindful that the fair housing priorities and goals set within the AFH will affect and be incorporated into subsequent planning processes, including the strategies, actions, and funding priorities established in the Consolidated Plan and PHA plan. Fair housing goals must be measurable, tracked, and ultimately, must affirmatively further fair housing.

The AFH requires program participants to identify one or more goals to overcome each of the fair housing issues for which significant contributing factors have been identified, including establishing metrics and milestones for determining what fair housing results will be achieved and the timeframes for achieving them. Program participants are also required to discuss the fair housing goals set, including an explanation of how each goal is designed to

overcome the identified contributing factor and related fair housing issue(s). For goals designed to overcome more than one fair housing issue, program participants must explain how the goal will overcome each issue and related contributing factors.

The goals set must be directly related to overcoming the significant contributing factors identified by the program participant and the related fair housing issues. For instance, where segregation in a development or geographic area is determined to be a fair housing issue, with at least one significant contributing factor, HUD would expect the AFH to include one or more goals to reduce the segregation. The program participant should think strategically about realistic goals that will achieve strong fair housing outcomes. Because the fair housing goals established will shape future obligations, it is important to ensure the goals are designed to affirmatively further fair housing.

The goals identified in the AFH will then be incorporated into subsequent planning processes and documents (i.e., the consolidated plan, Annual Action Plan or PHA Plan, as appropriate), where the program participant will set strategies and actions. The subsequent planning processes are the appropriate forum for planning specific investments and allocating funds.

Program participants are responsible for taking meaningful actions to achieve each of the fair housing goals identified. For example, a goal to reduce segregation requires meaningful actions that are designed and can be reasonably expected to achieve a material positive change in reducing segregation.

*Meaningful actions are “significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.” See 24 C.F.R. § 5.152.*

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### 5.7.1 What is a Fair Housing Goal?

A fair housing goal is established to overcome the significant contributing factors identified in the AFH as creating, contributing to, perpetuating, or increasing the severity of one or more fair housing issues. For each goal, program participants must:

- Identify one or more contributing factors that the goal is designed to address;
- Describe how the goal relates to overcoming the identified contributing factor(s) and related fair housing issue(s);
- Identify the metrics and milestones for determining what fair housing results will be achieved, including the timeframes for achieving them; and
- If the AFH is a joint or regional AFH, identify the responsible party for each goal.

The goals set may be narrowly focused to complete a specific action—such as passing an ordinance prohibiting discrimination on the basis of source of income—or reflect broad

objectives that may be achieved in more than one way, such as increasing the availability of public transportation that enables residents of neighborhoods with low opportunity indicators to access neighborhoods with high opportunity indicators. For either type of goal, program participants must provide specific metrics and milestones for each goal that will measure the progress towards the goal's achievement.

Note that while goals must seek to overcome significant contributing factors and related fair housing issues, program participants should use caution to not employ goals, strategies or actions that operate to discriminate in violation of applicable laws, including constitutional standards – through, for example, the use of racial classifications not narrowly tailored to further a compelling interest. For example, an appropriate goal to address disparities in access to opportunity experienced by minority families may be the construction of affordable housing in high opportunity areas, while an inappropriate goal would be the implementation of policies that limit occupancy of new housing to certain racial or ethnic groups.

After HUD has accepted the AFH, program participants are responsible for setting strategies and actions in their subsequent planning documents and for taking meaningful actions to achieve each of the fair housing goals identified. Under the AFFH Rule, program participants are not required to include the strategies and actions into the AFH itself. Strategies and actions generally will be adopted in either the consolidated plan or the 5-Year PHA Plan. In general, for Consolidated Planning agencies, the goals can be incorporated as “Priority Objectives” in the consolidated plan itself. Decisions on funding allocations to implement goals will also be included in the consolidated plan and 5-Year PHA Plan.

### **5.7.2 How to Determine Whether to Establish a Goal for a Specific Contributing Factor**

The AFFH rule requires that program participants set goals for overcoming the effects of contributing factors and related fair housing issues. Program participants are required to set goals for each fair housing issue for which significant fair housing contributing factors have been identified, prioritize the contributing factors identified, and must justify the prioritization of the factors that will be addressed in the goals. Once the contributing factors have been prioritized, consider the following in determining whether to establish a goal to address a specific contributing factor:

- ***The priority level you have assigned to the contributing factor.*** Focus initially on the contributing factors to which you have assigned the highest priority based on how they limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or other civil rights compliance.
- ***The extent to which the contributing factor has affected the fair housing issue.*** Program participants are required to establish goals for each fair housing issue with significant contributing factors. In deciding whether to establish goals for a particular fair housing issue, consider the impact of the goals with respect to that fair housing issue, relative to other fair housing issues in the community. The greater the impact the factor has on the fair housing issue, the more important it is to consider establishing a fair housing goal to address it.

- ***The ability to achieve the goals needed to effectively address the contributing factors and related fair housing issues.*** Some goals to affirmatively further fair housing will be within the control of the program participant or within the program participant's ability to influence change, while others may not be. Having the ability to effect or influence change is a key consideration in setting the goals, but program participants may decide to establish a goal to address a contributing factor that requires actions that may be outside the control of the program participant. Even if a goal may be outside the control or influence of the program participant, this does not preclude them from setting the goal if it is an important goal for AFFH purposes. This may require the program participant to work through indirect channels of influence (such as through building partnerships or developing coalitions) rather than making the needed change directly.
- ***The disparities faced by different protected classes.*** The AFH may reveal fair housing issues that are based on different protected characteristics and different types of disparities. Program participants should factor those considerations into goal setting. Focusing on the disparities that affect only one protected class may be problematic when there are fair housing issues affecting multiple protected classes.
- ***The change that can be reasonably expected from a particular goal.*** Remember, affirmatively furthering fair housing is about achieving material positive change.
- ***A balanced approach.*** Program participants should consider a balanced approach when setting goals. A balanced approach may include, but is not limited to, undertaking place-based solutions to improve areas, as well as pursuing options to increase mobility for protected classes, as appropriate. Place-based strategies may include but are not limited to: (1) economic development and investments in high poverty neighborhoods that will improve conditions and thereby reduce disparities in access to opportunity between impacted neighborhoods and the rest of the jurisdiction; and (2) efforts to maintain and preserve the existing affordable rental housing stock, including HUD assisted housing, to help respond to the overwhelming need for affordable housing. Mobility strategies may include but are not limited to: (1) the removal of barriers that prevent people from accessing housing in areas of opportunity; (2) the development of affordable housing in areas of opportunity, including, in particular, the development of housing in areas that promote integration; and (3) effective housing mobility programs.

### **5.7.3 Metrics and Milestones: Measuring Progress Toward Achieving a Goal**

Measuring progress of achieving the goals set depends on the metrics and milestones associated with the goals. Metrics and milestones selected for measuring progress of a fair housing goal are a critical part of the goal, and provide an additional level of specificity to clarify the nature of the goal. For this reason, it is important to set measures that are meaningful, realistic, and quantifiable.

- Milestones need to be meaningful in the sense that they represent improvements that are commensurate with the significance and severity of the contributing factors and related fair housing issues that the goals are designed to overcome.
- At the same time, milestones need to be realistic and focus on changes that are achievable with resources that are available or will become available within the timeframe set for measuring progress.
- Metrics need to be a clear measure of progress. Avoid metrics that are vague or that could be interpreted in different ways.

In determining metrics and milestones program participants should be realistic and consider external factors and other barriers to achieving goals, including those that may be beyond an organization to control. Program participants may wish to identify such barriers, including the identification of funding dependencies and contingencies when setting fair housing goals. While helpful for planning purposes, the identification of such barriers and funding dependencies will not justify a failure to affirmatively further fair housing.

It may be helpful to follow the SMART system for establishing goals and related metrics and milestones. The SMART system suggests that goals be: Specific, Measurable, Action-Oriented, Realistic and Time-Bound. It can be useful to include all of this information within the statement of the goal itself, but this is not a requirement, so long as the goals include metrics and milestones. The following exhibit summarizes the SMART characteristics.

**Potential Characteristics of Effective Goals**

Characteristics of Effective Goals	
<u>S</u> pecific	Provide enough detail to establish what the program participant wants to accomplish. Specific goals are more easily measured than vague goals. Provide the necessary specificity either in the statement of the goal itself or in the metrics and milestones that you identify to measure achievement of the goal.
<u>M</u> easurable	Develop one or more specific metric(s) and milestone(s) that can be used to measure success in achieving the goal. The AFH Assessment Tool requires these metrics and milestones be identified for each fair housing goal set.
<u>A</u> ction-Oriented	Goals should describe measures to be taken, rather than simply express an aspiration for change. The goal may call for very specific actions (fund 30 units of affordable housing in the Bolten neighborhood) or describe a broader objective that will subsequently be translated into specific action steps (increase educational opportunities in the Tricorner neighborhood).

<u>Realistic</u>	Understand and explain the limitations of the situation, including those set by available resources, capacity, and political will.
<u>Time-Bound</u>	Establish a deadline and a specific timeframe for the achievement of each of the fair housing goals set.

In some cases, measuring progress of goals set may be as simple as determining whether the goal itself has been met. For example, if the goal is to pass a city ordinance to revise the zoning and land use codes for a specific purpose, then the measurement will be whether the codes have been revised by the targeted date and whether revisions achieved the specified purpose. In many cases, however, there will be a need to define metrics and milestones for determining success that go beyond a yes or no determination of whether a specific goal has been achieved. For example, if the goal is to “increase public and private investment in R/ECAP neighborhoods over the next 5 years” there are both clear and more amorphous metrics and milestones than can be used to evaluate progress. In this case, it is unclear from this general goal language how much of an increase in investment will be sufficient to achieve the goal, although we know the timeframe is a 5 year period. Through the metrics and milestones specified in the goal for measuring progress, greater clarity can be provided to define the type of increase that would be considered sufficient to achieve the goal.

Examples of metrics and milestones for this goal might include:

- Between 2016 and 2019, to increase access to opportunity for a specified racial or ethnic minority, the number of multifamily properties serving very low-income families in neighborhoods that have schools in the top 25<sup>th</sup> percentile for the jurisdiction will increase by at least 100 units.<sup>73</sup>

*In this example, the metric is the number of housing units affordable to very low-income families in neighborhoods that have schools in the top 25<sup>th</sup> percentile for the jurisdiction and the milestone is an increase of 100 units by 2020. (If you select a metric such as this, it would be important to include a description of how school quality will be determined. It would also be important to clarify how the increase in affordable units would be measured, since the increase would need to be measured above a specific base line.)*

- Between 2016 and 2019, to increase integration and overcome the disproportionate housing needs of a specified protected class, at least 10 percent of newly developed housing units in the Pacific and Huron neighborhoods will be affordable to families with incomes at or below 50 percent of AMI, and at least another 10 percent of newly

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<sup>73</sup> Please note that the number of units in the metrics and milestones for a goal may be dependent upon various factors, including the resources available to the program participant as well as the needs of the community.

developed housing units in these neighborhoods will be affordable to families with incomes between 50 and 80 percent of AMI.

*In this example, the metric is the share of newly-developed housing units in the Pacific and Huron neighborhoods that are affordable to (a) families with incomes at or below 50 percent of AMI and (b) families with incomes between 50 and 80 percent of AMI and the milestone is 10 percent for each during the 2016 through 2019 time period. (If you select a metric such as this, it would be important to include a definition of “newly developed.” It would also be important to specify minimum unit size if the affordable units are to accommodate families with children). Please note: this goal, which is written to overcome the fair housing issues of segregation and disproportionate housing needs of a specified protected class, is based on an assumption that families with incomes at the specified levels are predominantly members of that particular protected class.*

In some cases, program participants may wish to identify more than one milestone to measure progress over a period of time. For example, a program participant might aim to produce 100 units of housing affordable to very low-income families within the Pacific and Huron neighborhoods by December 2018, and an additional 200 units by December 2020. This approach may be useful in measuring the progress of longer-term fair housing goals.

Metrics and milestones in goals established in the AFH should be as specific as possible, recognizing that decisions on funding allocations, as well as strategies and actions, will be made in later planning documents including the Consolidated Plan and 5-Year PHA Plan. While the above examples discuss new units, metrics and milestones will not always include targets. In fact, program participants should be sure not to confuse affordable housing development with affirmatively furthering fair housing. HUD recognizes that the developments of new units will often be dependent on either private market activity or, in the case of subsidized units, on later funding allocation decisions. Setting targets for either private-market or subsidized production would also necessarily involve analysis of the existing stock to determine what targets and what locations for additional affordable housing would make a meaningful impact on, for example, patterns of segregation. Program participants are encouraged to set targets that are ambitious, though HUD also recognizes that resource limitations need to be considered.

Goals may also require cooperation with other agencies or entities that are not part of the AFH. Program participants can note this in the “Discussion” for each goal by noting “potential partners.”

The following exhibit provides examples of how fair housing goals might be established to address contributing factors and related fair housing issues identified in the AFH and include the required metrics and milestones and identification of responsible parties. *For additional goal setting examples, see 7.4 of the appendix.*

**Examples of Fair Housing Goals to Address Contributing Factors**

Goal	Contributing Factor	Fair Housing Issue(s)	Metrics, Milestones, and Timeframe for Achievement	Responsible Program Participant(s)
<p><b>Preservation of 200 units of affordable housing in X, Y, and Z neighborhoods, which have high-performing schools</b></p>	<p>Displacement of residents due to economic pressures</p>	<p>Disparities in access to opportunity</p>	<p>Within 6 months, publish and begin implementing a detailed 5-year plan to preserve and improve 100 units of affordable rental housing in X, Y and Z neighborhoods; including a plan to collect and analyze data on at-risk properties; facilitate collaboration among federal, state, and local agencies; and reduce operating costs.</p>	<p>Housing and Community Development Agency</p>
<p><b>Discussion:</b> In recent years, rents have risen rapidly in neighborhoods with high-performing schools, pricing out many low-income families, who are disproportionately black and Hispanic families. Within 6 months, the jurisdiction will publish and begin implementing a detailed 5-year plan to preserve and improve 200 units of affordable rental housing in X, Y and Z neighborhoods, which were identified in the assessment as having high-performing schools and rising rents (and at risk of segregating through displacement of minority families). The plan will include timeframes to collect and analyze data on at-risk properties; facilitate collaboration among federal, state, and local agencies; and reduce operating costs.</p>				
Goal	Contributing Factor	Fair Housing Issue(s)	Metrics, Milestones, and Timeframe for Achievement	Responsible Program Participant(s)

<p><b>Improve bus routes to provide better access to employment and educational opportunities for residents of A neighborhood</b></p>	<p>The availability, type, frequency, and reliability of public transportation</p> <p>Location of employers</p> <p>Location of proficient schools</p>	<p>R/ECAP</p> <p>Disparity in access to opportunity</p>	<p>Within 2 years, increase frequency of buses along X and Y routes from 30 to 15 minute intervals.</p> <p>Within 2 years decrease the rate of delayed bus trips along X and Y routes by 30%.</p> <p>Within 3 years establish a direct bus route between A neighborhood and the local community college</p>	<p>City</p>
<p><b>Discussion:</b> In the City, which has a population of 8,500 people, bus service does not effectively link households living in some areas of racial or ethnic concentration to job centers or to the local community colleges, contributing to disparities in access to opportunity. During the community participation process, residents raised concerns, in particular, about lateness and infrequency of buses along X and Y routes and the lack of a direct bus route from A neighborhood to the community college Z, where many take classes. Within 2 years, the City aims to improve the frequency and reduce lateness of buses on X and Y routes to better connect residents in A neighborhoods with jobs located in downtown. Within 3 years, the City aims to establish a direct bus route between A neighborhood and community college Z. The bus schedule will be coordinated with the college’s schedule to provide employment and educational opportunities.</p>				
<p><b>Goal</b></p>	<p><b>Contributing Factor</b></p>	<p><b>Fair Housing Issue(s)</b></p>	<p><b>Metrics, Milestones, and Timeframe for Achievement</b></p>	<p><b>Responsible Program Participant(s)</b></p>

<p><b>Improve Access to Opportunity for Voucher-holders by passing a Source of Income Protection Ordinance</b></p> <p>and</p> <p><b>Establishing a Mobility Counseling Program</b></p>	<p>Source of Income Discrimination</p>	<p>Segregation R/ECAPs Disparities in access to opportunity</p>	<p>Within one year pass an ordinance prohibiting source of income discrimination</p> <p>Within two years establish a mobility counseling program</p> <p>Within one-year coordinate with the state to improve enforcement against LIHTC properties violating the prohibition on discrimination against voucher-holders</p>	<p>City Housing Authority</p>
<p><b>Discussion:</b> The assessment revealed that rental property owners in areas with low concentrations of racial or ethnic minorities often refuse to accept Housing Choice Vouchers contributing to the fair housing issues of segregation, R/ECAPs, and disparities in access to opportunity. Many rental property owners also refuse to accept renters whose primary source of income is Social Security Disability Insurance, Supplemental Security Income, and Veterans benefits. Local fair housing organizations commented during public participation that they have a hard time finding landlords willing to accept voucher-holders, even including some LIHTC properties, which are prohibited by law from discriminating against voucher-holders.</p> <p>To address the fair housing issue of segregation, within one year, the City will pass an ordinance prohibiting discrimination based on source of income. The City will also coordinate with the State to improve enforcement against LIHTC properties violating the prohibition on discrimination against voucher-holders. To address the fair housing issue of disparity in access to opportunity, within 2 years, the Housing Authority will establish a mobility counseling program for HCV holders to inform voucher holders of their options throughout the jurisdiction and region.</p>				



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## 6. Beyond the AFH: Moving from Assessment to Implementation

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Once a program participant has identified priorities and goals, the program participant must then move toward implementation of those goals, which involves taking meaningful actions to affirmatively further fair housing. Program participants that submit a Consolidated Plan are required to incorporate the goals set in the AFH into both the Strategic Plan and their Annual Action Plans, and PHAs are required to incorporate the goals set in the AFH into their PHA plans. In addition to incorporating the fair housing goals into subsequent planning processes, meaningful action must be taken that are designed to achieve a material positive change that affirmatively furthers fair housing.

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### 6.1 Coordinated Community Development Planning

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To take meaningful action and achieve material positive change, program participants may broaden the impact and effectiveness of their fair housing planning by seeking out opportunities to align their fair housing goals with other local, regional, or State planning documents and policy tools. Exhibit 5 outlines other community planning processes that may be beneficial to coordinate with fair housing planning.

**Exhibit 5. Coordinating with Other Community Planning Processes**

<p><b>Local comprehensive plans</b></p>	<p>Many communities have comprehensive plans that guide their long-term growth, typically across several decades. Comprehensive plans, also known as master, general, vision, or town plans, are broad in scope and cover a wide range of issues that affect how a community grows, including land use, economic and community development, transportation, infrastructure, housing, municipal facilities, and the environment.</p> <p>Though some comprehensive plans do not include specific action steps, they help shape other, more detailed plans and influence key decisions made by community leaders. Program participants are encouraged to engage in comprehensive planning processes to ensure the inclusion of fair housing priorities and goals set in the AFH are considered and incorporated into the communities' long-term growth. In some instances, a comprehensive plan may be developed at the regional level, in which case program participants are encouraged to collaborate with other stakeholders, including fair housing advocates, in a regional partnership to promote fair housing priorities.</p>
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<p><b>Area plans</b></p>	<p>In contrast to comprehensive plans, area plans are narrow in scope and geographic reach, such as neighborhood or corridor plans. As with comprehensive plans, area plans can help shape the long-term development of housing, transportation, and businesses. Neighborhood plans include specific action steps. For example, a plan might recommend the demolition and redevelopment of blighted properties on certain blocks. Accordingly, program participants are encouraged to collaborate with staff and community leaders who develop area plans to incorporate fair housing priorities and goals set in the AFH.</p>
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<p><b>Zoning and land use ordinances</b></p>	<p>A community’s zoning and land use ordinances, regulations, and processes play a critical role in determining the amount, type, and location of housing. Program participants that identify provisions of zoning or land use ordinances, regulations, or processes that create, contribute to, perpetuate, or increase the severity of fair housing issues are encouraged to raise the issue with other staff and elected officials to begin the process of amending or rewriting the relevant ordinances, regulations, or processes.</p>
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<p><b>State LIHTC qualified allocation plans</b></p>	<p>The Low Income Housing Tax Credit (LIHTC) is a Federal tax credit that provides funding for the development of affordable rental housing and is the principal method used to develop new affordable housing nationwide. LIHTC is administered through State housing finance agencies (which in some cases delegate authority to local housing finance agencies) that are allocated a portion of the total available credits. Annually, State and local administrators of LIHTC develop Qualified Allocation Plans (QAPs) that determine how applications for LIHTCs will be prioritized. These plans affect the types and locations of affordable housing that will be financed through the tax credits. To the extent that the location of housing previously developed through LIHTC has contributed to a community’s fair housing issues – or new developments funded through LIHTC could help address a community’s existing fair housing issues – program participants are encouraged to meet with LIHTC administrators to ensure they consider the findings of the jurisdiction’s AFH, including contributing factors and related fair housing issues, priorities, and goals, when developing future QAPs. Given the need of many LIHTC projects for “gap funding” to cover the difference between project costs and the equity realized through LIHTC, communities may also be able to use their HOME, CDBG, and other funds to encourage the development of LIHTC projects that address their contributing factors and related fair housing issues identified in the AFH.</p>
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<p><b>Local, regional, and State transportation plans</b></p>	<p>To the extent that the AFH identifies issues related to public transportation, employment, and education access, program participants are encouraged to review local, regional, and State transportation plans to identify opportunities to align fair housing priorities and goals set in the AFH with planned transportation investments. For example, a community with a goal to increase employment opportunities may want to explore doing so in an area the community has planned to serve with rail service. Additionally, program participants might work to educate transportation planners about areas or populations identified in the AFH as lacking sufficient or reliable transit access in order to improve future transportation plans.</p>
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<p><b>Education plans</b></p>	<p>The location of proficient schools and the methods used for assigning students to those schools has critical implications for families' housing choices and access to opportunity. In some communities, students are assigned to neighborhood schools, while others may offer families a choice of schools for children to attend. To the extent that a program participant's AFH identifies improving the quality of schools attended by members of protected classes under the Fair Housing Act as a fair housing issue, program participants are encouraged to work with the leadership of local school systems to set goals to overcome contributing factors and related fair housing issues that arise from the location of quality schools and the school assignment policies.</p> <p>Additionally, communities may have capital improvement plans to guide investment for new schools or to improve existing schools. Program participants are encouraged to provide input to developers of capital investment plans on areas that would benefit from new or improved schools.</p>
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<p><b>Emergency Preparedness Plans</b></p>	<p>State and local emergency management agencies plan to prevent, prepare, mitigate, respond, and recover from emergencies and disasters, working across all sectors of state, local, nonprofit, and private industries. Emergency preparedness plans include efforts to rehabilitate or demolish structures and housing, and rebuild following disasters. Emergency management agencies often use HUD funding through the CDBG program to fund such activities. Program participants are encouraged to coordinate with emergency managers to ensure fair housing and civil rights are common goals.</p>
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Given that some of these additional plans and policy vehicles may be outside the formal control of program participants, it may be necessary to partner with other organizations, such as a metropolitan planning organization or a State government, to promote the adoption of strategies to affirmatively further fair housing in these other plans. These types of partnerships will vary depending on a community's needs and priorities, its capacity to address fair housing issues independent from outside partners, and the availability of local and regional partners able to address the contributing factors and related fair housing issues identified in the AFH. The following non-exhaustive list provides the types of partnerships program participants may wish to explore in implementing their fair housing goals:

- Work with fair housing advocacy organizations to conduct outreach and provide education to the community, including members of protected classes, about their rights under the Fair Housing Act and to assist with the identification of fair housing violations.
- Assist a local nonprofit with the establishment and implementation of a land bank to facilitate the redevelopment of tax delinquent properties to meet neighborhood needs.
- Seek input from developers of both publicly supported housing and privately developed housing on local government policies and practices that increase development cost, affect the location of housing, or otherwise contribute to fair housing issues.
- Seek opportunities to leverage Federal and State funding to advance fair housing goals, such as using CDBG funds to purchase a blighted property and partnering with an affordable housing developer to rehabilitate the property and with other entities to revitalize the neighborhood where the property is located.
- Create task forces to explore solutions to complex fair housing issues identified in the AFH, such as the need for job training and small business development in high poverty areas.
- Explore opportunities for public-private partnerships, such as for the development of publicly owned land to promote neighborhood revitalization in R/ECAPs and affordable housing to promote integration and eliminate disparities in access to opportunity.

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## **6.2 AFFH Implementation Strategies: Best Practices and Innovation**

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Affirmatively furthering fair housing requires an array of strategies to address local, regional, and State-wide barriers to fair housing choice and disparities in access to opportunity, as well as to ensure participation by a diverse group of community stakeholders. The non-exhaustive examples of strategies described in this section offer important suggestions for taking

meaningful action to affirmatively further fair housing.<sup>74</sup> Remember, though—whether strategies ultimately affirmatively further fair housing will depend on the fair housing outcomes that are actually achieved.

### **Action must be meaningful and strategic to AFFH.**

A strategy that may affirmatively further fair housing in one context may not work in another. Additionally, to affirmatively further fair housing, actions need to be meaningful. This means that they are designed and can be reasonably expected to achieve a material positive change.

Some jurisdictions and public housing agencies have leveraged housing voucher programs to give people the choice of moving to high-opportunity neighborhoods. Families that choose to exercise mobility options benefit from greater economic opportunities, and for their children, greater educational achievements and improved mental and physical health, and less exposure to crime. Still, despite the objectives of expanding opportunity, voucher programs can concentrate families in high-poverty and segregated neighborhoods.

Municipalities can and should implement additional measures to ensure that their housing voucher programs achieve material positive change to fair housing choice and access to opportunity. Voucher programs can be improved by providing services such as housing search counseling, and other services such as post-move counseling, second-move counseling, and financial literacy counseling.

Many program participants are engaging in a wide range of strategies intended to affirmatively further fair housing. The following outlines: (1) policy strategies; (2) programmatic strategies; and (3) collaborative strategies that the program participants might consider as best practices or innovative solutions.

### Policy Strategies

- Targeted Zoning Reforms and Inclusionary Zoning. Municipalities are authorized under State law to adopt land use and zoning regulations; these so-called “enabling” laws provide the fundamental legal basis for such regulations. Zoning determines where housing can be built, the type and amount of housing that is permitted, and the form it takes. Land use and zoning regulations can directly or indirectly affect the cost of developing housing, making it harder or easier to provide affordable housing. Program participants may choose to review their land use and zoning requirements to

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<sup>74</sup> More information on strategies can be found at the following online resources: (1) [The Federal Interagency Neighborhood Revitalization Initiative](#); (2) [The Strong Cities Strong Communities \(SC2\) Initiative](#); and (3) [HUD’s Regulatory Barriers Clearinghouse](#).

assess if they contribute to fair housing issues identified in an AFH. Targeted zoning reform could include removal of exclusionary zoning barriers that restrict fair housing choice or implementing inclusionary zoning (IZ), which can take many forms. Inclusionary zoning ordinances take a variety of forms: developers may be required to build affordable units in exchange for development rights (e.g., density bonuses or fee waivers), or a City may require that a specific percentage of affordable units in developments. Inclusionary zoning policies are more effective when long-term affordability is built into the provisions. IZ can include set-asides of units in the context of both single family (e.g., townhouses) and multifamily rental housing (e.g., a set-aside of units within a larger apartment building). Set-asides of rental units could be combined with a central registry of affordable housing opportunities and with a required ongoing non-discrimination based on source of income for the set-aside units. IZ can also be applied to residential development involving city funding, tax increment financing or HOME funds or that require certain zoning changes, including land purchased from the city, or within designated redevelopment districts. Such policies may be developed at the jurisdiction, regional, or State level; either approach, may be particularly helpful in addressing fair housing issues and affirmatively furthering fair housing.<sup>75</sup>

- Architecture of Inclusion through Mixed-Income Housing and Scattered-Site Housing. Mixed-Income development creates income diversity within public and private housing developments by providing both affordable and market rate units within one development. Mixed-income rental housing may use bands of income levels relating to the average median income (AMI), such as below 30 percent of AMI, 30 to 50 percent AMI, 50 to 80 percent AMI, and above 80 percent of the AMI. Scattered Sites is the term used to describe individual public housing units or other affordable housing units that are dispersed throughout a geographic area. Scattered Site residents live among private renters and homeowners within the surrounding community as an alternative to large projects that concentrate poverty and are often isolated. Mixed income redevelopment can also be used as part of a revitalization strategy for lower-income areas to replace large assisted projects while preserving affordable units in the area. Alternatively, it can be a strategy for providing affordable units in higher opportunity areas, for instance, by setting-aside a portion of new construction units in such areas for lower income families.
- Strategic and Targeted Investment. Target those areas most in need of neighborhood investment and where investment will promote integration. Distribute funds to areas in greatest need of community revitalization or access to opportunity through a points-based bidding process that assigns a high value to demonstrated need for revitalization. In practice, these areas may be historically marginalized areas or lower-income neighborhoods or regions, communities of color, and underserved geographic regions such as rural communities. Community revitalization needs may

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<sup>75</sup> For more information on inclusionary zoning strategies, see:  
<http://www.huduser.gov/portal/periodicals/em/spring13/highlight3.html>

be determined based on a variety of factors, including existing access to jobs, transportation, educational opportunity, or the need for additional private investment, such as retail, reputable financial institutions, and grocery stores. Public services and facilities include schools, recreational facilities and programs, social service programs, parks, roads, transportation, street lighting, trash collection, street cleaning, crime prevention, and police protection activities. Locations near neighborhoods undergoing new construction and revitalization may require investment and efforts to preserve existing affordable housing options for both existing residents and potential future low-income renters or owners. Strategic investment may need to take a broad approach to community development and include what occurs in those places (the quality of services); the total physical and social structure of the community (including issues such as transportation and public safety); and evaluation of institutional barriers to the physical, financial, and emotional well-being of the people who live in those communities. Addressing a wide variety of needs across a spectrum of programs and issues often also requires intergovernmental coordination between agencies.

### Programmatic Strategies

- **Mobility Programs.** Mobility programs assist families that wish to move into neighborhoods that will improve their access to opportunity, including neighborhoods with proficient schools and greater economic opportunities. Through mobility programs, neighborhoods that offer opportunities and assets, including quality housing and positive economic characteristics, are promoted to low-income residents through mobility counseling. Mobility programs can be for lower-income families in general or for Housing Choice Voucher (HCV) recipients. General programs can include establishing registries of affordable rental housing and support for housing counseling agencies. HCV mobility strategies include mobility counseling, landlord outreach to increase the number of participating properties, use of funds for security deposits and moving expenses, and extended search times for particular groups such as larger families with children or persons with disabilities. Innovative mobility policies for public housing authorities include: regional cooperation and administration of vouchers (such as through portability and shared waiting lists); improved mobility counseling focusing on “second moves” as well as “post move” supports; increasing use of Small Area Fair Market Rents to set payment standards at the sub-market level; use of Project-Based Vouchers as siting mechanism in higher opportunity areas, including in conjunction with LIHTC; and use of expanded PHA jurisdictional authority to administer vouchers outside its boundaries. These mobility practices, when coupled with existing strategies including landlord outreach, improved initial counseling programs and extended search times can have an even greater effect. In addition to increasing housing options and fair housing choice, they can also lead to improved success rates in initial lease ups easing other PHA administrative requirements to offset some of the time and effort involved in implementing them.

- Affirmative Marketing Programs. Affirmative marketing can be targeted at promoting equal access to government-assisted housing or to promote housing outside the immediate neighborhood to increase awareness and the diversity of individuals in the neighborhood. Affirmative marketing requires assessing who is living in the housing and who is least likely to live in the housing and then establishing standards for public outreach and advertising that encourages diversity by marketing units to those families least likely to apply and to those who currently live outside the neighborhood.
- Fair Share Programs. Fair share programs promote an equitable distribution of affordable housing throughout a region by assigning a target number of affordable housing units to each municipality in a given region. One common way to implement a fair share program is a top-down approach, in which a statewide program requires all counties and municipalities with insufficient affordable housing to adopt an affordable housing plan. Other options include tying the funding of community development projects, LIHTCs, other public financing arrangements, and infrastructure improvements to compliance with an affordable housing plan.
- Accessibility Programs. Accessibility programs focus on improving access to the built environment—such as housing, public buildings and facilities, sidewalks, pedestrian crossings, and businesses, along with public Websites, and other programs, services, and activities for persons with disabilities. Accessibility programs can also include access to supports that enable persons with different types of disabilities to live independently in apartments and other integrated, community-based settings.

### Collaborative Strategies

- Regional Coordination. Fostering coordination across jurisdictions and sectors provides wide ranges of housing choice, ensures access to opportunity, and creates desirable places to live and work. Fair housing issues not only cross multiple sectors—including housing, education, transportation, and commercial and economic development—but also are often not constrained by political or geographic boundaries. Collaborative regional planning structures can be a useful approach to coordinate responses to identified contributing factors and related fair housing issues. Statewide land-use planning programs are an example of regional coordination. These statewide plans better allow for regional approaches to ensure that land use and zoning provisions work to affirmatively further fair housing. In the context of public housing agencies, regional coordination can include implementing HCV portability agreements and shared waiting lists, or combining project-based vouchers with LIHTC allocations in higher opportunity areas.
- Partnerships to Develop Key Community Assets. From lack of quality schools and economic opportunity to food deserts and lack of retail services, many communities primarily occupied by racial or ethnic minorities lack adequate access to opportunity and key community assets. Many such neighborhoods have suffered from disinvestment, leaving them with failing schools, inadequate services, physical and

environmental blight, and high levels of crime and violence. However, many program participants can catalyze development and revitalization projects through creative financing and strong leadership. Impact investing—the blending of social and financial return—leverages private investment for community revitalization. Community development activities can leverage additional philanthropic, public, and private investments. A strategy of effectively using and aligning all of the tools available from public and private partners (foundations, grants, private investment, and non-profits) can increase the impact of AFFH goals and strategies.

- **Mixed-Income and Mixed-Financing and Public-Private Partnerships.** Partnerships between program participants and the private sector—both the business sector and community-based nonprofit housing providers—can help communities develop affordable housing and community assets in opportunity areas by bringing additional resources and skills to the development process. There are a variety of public-private partnership approaches: affordable housing task forces; developer partnerships; program-based partnerships; and public sector-partnerships. Mixed-income financing emphasizes the formation of new public and private partnerships to ensure long-term sustainability of housing and community development and expands access to opportunity in the jurisdiction and region.

Program participants are encouraged to use tested, effective strategies and practices, as well as to undertake innovative approaches to affirmatively further fair housing. Program participants should consider if there are situations where other, similarly situated jurisdictions attempted to tackle similar problems. Consider what strategies and actions were implemented in those circumstances and whether there was evidence that the interventions were successful. Then consider whether there is reason to believe similar policies would have success in the program participant’s jurisdiction.

However, if the goal the program participant seeks to accomplish is novel, the program participant might design an innovative policy or program that is conducive to evaluation (pilot programs, experimental or quasi-experimental designs, etc.). In such cases, it may be helpful to partner with a local college or university, fair housing organization, or private research foundation. Researchers can gather necessary data ahead of time to establish a baseline for judging success, as well as conduct qualitative research engaging community residents for their views, through interviews and focus groups.

Use of appropriate metrics and milestones will help program participants determine when a particular goal, strategy, or action is working and when it is time to consider a different course.

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### **6.3 AFFH Implementation Strategies**

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The following are provided as illustrative examples of AFFH scenarios. The examples are provided for useful context when thinking about efforts to affirmatively further fair housing. However, it should be noted that AFFH strategies and actions vary greatly based on local

context, and the examples provided may not affirmatively further fair housing in other contexts.

### **6.3.1 Housing Choice, Segregation, and Access to Opportunity**

In addition to ensuring that families have fair housing choice, affirmatively furthering fair housing includes the obligation to overcome historic patterns of segregation and disparities in access to opportunity. The strategic siting of affordable housing and strategic use of voucher programs can help families move from high-poverty, highly segregated neighborhoods, such as R/ECAPs, to housing options in low-poverty neighborhoods. The strategic development of affordable housing in high opportunity areas coupled with voucher mobility programs can be effective tools to combat racial segregation, disproportionate housing needs, and disparities in access to opportunity.

### **6.3.2 Affirmative Efforts to Promote Integration**

In addition to overcoming disparities in access to opportunity, affirmatively furthering fair housing strategies may include innovative ways to ensure that communities with access to opportunity welcome to those who choose to move into their community. For example, Welcoming America is a network of nonprofits and local governments that work to build inclusive communities by focusing on national origin integration. Welcoming America supports nonprofits and local governments in developing plans, programs, and policies that transform their communities into vibrant places where people respect each other and everyone's talents are valued and cultivated, regardless of national origin.

Many states and localities have adopted Fair Housing laws and ordinances which sometime provide for additional protected classes beyond those covered in the Fair Housing Act. For example, many communities have passed ordinances adding additional protections to those classes protected under the Fair Housing Act. In addition to the 7 protected classes in the Fair Housing Act, local ordinances are often implemented to make it illegal to discriminate based on: marital status, age, political ideology, creed, sexual orientation, gender identity, and source of income. Unfortunately, these additional protections alone do not always achieve fair housing goals. Despite additional protections, many communities continue to see fair housing issues of segregation and disparities in access to opportunity. Nevertheless, expansive fair housing protections may ensure that residents have legal protections if and when they experience barriers to fair housing choice.

### **6.3.3 Inclusive Community Development and Policy**

In addition to programmatic strategies to affirmatively further fair housing there are many policy levers that may be used to overcome historic patterns of segregation, transform R/ECAPs into areas of opportunity, reduce disproportionate housing needs, and eliminate disparities in access to opportunity. Inclusionary zoning, regional fair share polices, mixed-income housing, and community-based settings for individuals with disabilities are some strategies that may produce fair housing outcomes.

Today, over 400 cities, towns, and counties have implemented inclusionary zoning policies. When applied effectively, inclusionary zoning can successfully integrate affordable housing

across jurisdictions and regions. For example, an inclusionary zoning ordinance may require that a percentage of new housing units be developed for low- and moderate-income families. Under one ordinance of this type, 12.5 to 15 percent of dwelling units, in developments of 50 or more units, must be “moderately priced,” and 40 percent of these units must be offered to the local public housing authority or nonprofit sponsors. By doing this, in exchange, developers are provided a density bonus, that is, they are allowed to develop more units than zoning laws would otherwise permit. In one county, inclusionary zoning has produced over 12,500 affordable housing units that are integrated with market-rate housing.

Fair share policies provide an example of inclusionary zoning on a larger scale. One State has implemented a fair share regional planning law that encourages all local governments to ensure that at least 10 percent of the housing in their community is affordable. It does this by applying more flexible and streamlined review standards to development projects with an affordable component in communities where the 10 percent threshold has not been met. More specifically, in communities that do not meet the 10 percent threshold, developers of State or Federally subsidized projects can apply for a comprehensive permit through a streamlined process before the local Zoning Board of Appeals — if at least 25 percent of their project is affordable. Such development can then be approved under rules that are more flexible and often more lenient than local zoning would permit.

Mixed-income housing and developing housing options for individuals with disabilities that allow them to live with persons without disabilities in an integrated setting may also lead to inclusive community development. Mixed-Income development creates income diversity within public and private housing developments by designating units within one development to be both affordable and market rate. Housing options that promote integration for individuals with disabilities may include ensuring housing is accessible, implementing policies that enable accessibility modifications, and leveraging in-home or community-based supportive services.

**Different strategies will be relevant in different contexts.**

Strategies and actions should be designed to achieve the goals set forth in the AFH. However, to achieve fair housing outcomes, strategies and actions can be tailored to also be consistent with local and regional markets. Consider the following examples:

Areas with higher housing cost and low vacancy. In areas with high private market costs, preservation of existing assisted units can be combined with neighborhood revitalization, including mixed income redevelopment, commercial development, and family self-sufficiency programs to improve access to opportunity, while targeting new units in higher opportunity areas. Programs for new construction (such as HOME and LIHTC) can be targeted to higher cost areas with greater access to opportunity, such as siting of units for families with children in areas with higher proficiency schools. Policy solutions, such as inclusionary zoning and the removal of regulatory barriers to allow for increased affordable opportunities, may also be useful in these contexts.

Areas with lower housing cost and high vacancy. If there are rental units available in a variety of areas in the jurisdiction and region, including with greater access to opportunity, then vouchers mobility strategies may be more effective. Additionally, source of income protections may be effective. Where the rental stock is already affordable at current HCV payment standards, then effective strategies might include mobility counseling and source of income protections.

## **7. Conclusion: AFFH, Fair Housing Planning, and Community Planning and Development**

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The AFFH rule establishes a fair housing planning process that is designed to help program participants be better positioned to meet their obligation to affirmatively further fair housing. The rule provides for each program participant to identify the fair housing issues and contributing factors that are present in the program participant's own jurisdiction and region. While the Assessment Tool will guide program participants through the required analysis by asking questions about many of the most common fair housing issues and contributing factors, the specific issues and contributing factors in jurisdictions and regions may vary. Program participants must use the HUD-provided data, local data, and local knowledge, including the community participation process, in particular, to identify the contributing factors and fair housing issues specific to their jurisdiction and region.

Once fair housing issues and contributing factors have been identified, program participants will set goals to overcome them. Those goals will vary depending on the issues and factors identified. The various strategies and policy options adopted by program participants to effectuate the goals set in the AFH will depend fundamentally on the local context and the particular circumstances that prevail when the fair housing issues and related contributing factors are considered. By its very nature, the AFH is a planning document intended to help inform and guide local decision making in addressing physical, social, and economic problems, including a greater need for integration, disproportionate housing needs faced by certain protected classes, the need to revitalize R/ECAPs so they are transformed into areas of opportunity, and the need to provide greater access to proficient schools, jobs, transportation, and other opportunity indicators for persons who have historically been denied or faced limited options to access high opportunity neighborhoods.

HUD recognizes that fair housing planning will pose challenges for program participants because it requires them to confront and find solutions for fair housing issues that can be complex and may be uncomfortable to discuss. HUD appreciates the efforts of program participants to complete meaningful AFHs in order to take meaningful actions to affirmatively further fair housing.

## Appendices

### Appendix A: Optional AFH Checklist and Worksheet

This optional AFH Checklist and Worksheet is designed to assist program participants in planning to conduct an AFH. It helps program participants plan to, among others, conduct joint and regional AFHs, identify who will complete an AFH on behalf of a program participant, engage in meaningful community participation, identify potential sources of local data and local knowledge, and actually complete the AFH. While use of this Checklist and Worksheet is optional, program participants may find it useful in developing deadlines and processes in order to timely complete an AFH. The Checklist and Worksheet may also be useful for program participants throughout the development of the AFH, and it may be used at different times.

**Important Note:** Do not submit this AFH Checklist and Worksheet to HUD when submitting an AFH.

#### Before Beginning

Has each program participant identified an authorized representative(s) to complete and certify its/their Assessment of Fair Housing (AFH)?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
What is the name of the authorized representative:	

Has the program participant calculated the due date for the AFH submission?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
Due date based on 24 C.F.R. § 5.160:	

HUD recommends reviewing the following items before seeking to complete an AFH:

- The AFFH Rule, 80 Fed. Reg. 42,352, codified at 24 C.F.R. 5.150-180 and 24 C.F.R. parts 91, 92, 570, 574, 576, 903
- The AFFH Assessment Tool Guidebook
- AFFH resources available at <https://www.hudexchange.info/programs/affh/> and [www.huduser.gov/portal/affht\\_pt.html](http://www.huduser.gov/portal/affht_pt.html)

The AFFH Data and Mapping Tool, available at <https://egis.hud.gov/affht/>

The AFFH User Interface, available at \_\_\_\_\_

**Joint/Regional Submissions**

If conducting a joint or regional AFH, have the program participants:

Identified authorized representatives who will complete and certify the joint or regional AFH?

Identified which program participant will be the lead when conducting the AFH?

Entered into an agreement/memorandum of understanding with other collaborating program participants?

Promptly submitted the agreement/memorandum of understanding to HUD well before the due date for submission of the program participant’s AFH?

To the extent any program participant in the collaboration is either not located within the same Core Based Statistical Area or any program participant is located in a different state than any other collaborating program participant, requested approval for the collaboration from HUD by submitting a proposed justification?

Identify the names of the collaborating program participants and contact information for representatives here:

Lead	Program Participant	Contact Information for Representatives
X		
[REDACTED]		

**Community Participation**

Community participation is defined by the AFFH rule to mean “a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes. For HUD regulations implementing the Housing and Community Development Act of 1974, the statutory term for “community participation” is “citizen participation,” and, therefore, the regulations at 24 C.F.R. parts 91, 92, 570, 574, and 576 use this term.” Note that for consolidated plan participants, community participation must be conducted in accordance with a citizen participation plan. This citizen participation plan must be updated to reflect the requirements for citizen participation for the AFH.

Have you developed a plan for community participation in the program participant’s AFH, including a joint or regional AFH (for consolidated plan participants, this is the citizen participation plan)?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, identify the plan:	
If no, identify what steps the program participant intends to take to ensure meaningful community participation (for consolidated plan participants, this means updating the citizen participation plan to reflect the requirements under 24 CFR Part 91 with respect to the AFH):	

Does the program participant’s community participation plan provide reasonable opportunities for the public to be involved in the development of the AFH and incorporation of the AFH into the consolidated plan, PHA plan, and other required planning documents?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
Explain how:	

List the types of outreach activities the program participant will engage in and provide the dates of public hearings or meetings:

Types of Outreach Activities	Dates of Public Hearings or Meetings
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Does the program participant’s community participation plan employ communication means designed to reach the broadest possible audience, which may be met, as appropriate, by publishing a summary of each document in one or more newspapers of general circulation, and by making copies of each document available on the Internet, on the program participant’s website, and as well at libraries, government offices, and public places?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
Explain how:	

Identify media outlets that will be used, including media outlets that will reach diverse audiences and populations typically underrepresented in the planning process:

<b>Media Outlets</b>

Identify organizations that will be consulted during the community participation process. (Note for consolidated plan program participants, the community participation plan must



If the program participant is a consolidated plan program participant, does the program participant’s community participation plan follow the policies and procedures described in the applicable citizen participation plan, adopted pursuant to 24 C.F.R. part 91 (see 24 C.F.R. 91.105, 91.115, 91.401), including, in the process of developing the AFH, obtaining community feedback, and addressing complaints?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
Explain how:	

If the program participant is a consolidated plan program participant, does the program participant’s community participation plan include consultation with agencies and organizations identified in the consultation requirements at 24 C.F.R. part 91 (see 24 C.F.R. 91.100, 91.110, and 91.235)?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
Identify which agencies and organizations will be consulted:	

If the program participant is a PHA, does the program participant’s community participation plan follow the policies and procedures described in 24 C.F.R. 903.13, 903.15, 903.17, and 903.19 in the process of developing the AFH, obtaining Resident Advisory Board and community feedback, and addressing complaints?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
Explain how:	

**Local Data and Local Knowledge**

HUD provides maps and data to program participants to complete AFHs. However, some questions require reference to local data and local knowledge. The following topics in the AFH Assessment Tool ask about sources of local data and local knowledge. The answers provided may be particularly useful in planning for community participation.

Identify sources of local data and local knowledge related to the location of homeowners and renters in the jurisdiction and region, including trends over time:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to the location of owner occupied housing in segregated areas:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to segregation of classes protected by the Fair Housing Act (race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability):

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to the effect of R/ECAPs on classes protected by the Fair Housing Act (race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability):

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to disparities in access to opportunity, including educational, employment, transportation, low poverty exposure, and environmentally healthy neighborhood opportunities, including any patterns, of classes protected by the Fair Housing Act (race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability):

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to disproportionate housing needs impacting classes protected by the Fair Housing Act (race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability):

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to the siting and occupancy of publicly-supported housing (including, public housing, project-based Section 8, Section 8 tenant-based Housing Choice Vouchers (HCV), Rental Assistance Demonstration (RAD), Other HUD Multifamily housing (including Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities), Low-Income Housing Tax Credit (LIHTC) housing, USDA Rural Housing Service, Veteran’s Administration housing, etc.), on classes protected by the Fair Housing Act (race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability):

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to disparities in access to opportunity for residents of publicly supported housing, including for classes protected by the Fair Housing Act (race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability):

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to the availability of sufficient affordable, accessible housing in a range of unit sizes for individuals with disabilities:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to the location of affordable, accessible housing units for individuals with disabilities:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to the ability of individuals with disabilities to access and live in the different categories of publicly-supported housing, including public housing, project-based Section 8, Section 8 tenant-based Housing Choice Vouchers (HCV), Rental Assistance Demonstration (RAD), Other HUD Multifamily housing (including Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities), Low-Income Housing Tax Credit (LIHTC) housing, USDA Rural Housing Service, Veteran’s Administration housing, etc.:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to the extent that persons with disabilities in or from the jurisdiction or region reside in integrated or segregated settings:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge that identify the range of options for persons with disabilities to access affordable housing and supportive services:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to the extent that persons with disabilities are able to access the following (including whether major barriers exist): Government services and facilities; public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals); transportation; proficient schools and educational programs; and jobs.

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to processes that exist in the jurisdiction and region for persons with disabilities to request and obtain reasonable accommodations and accessibility modifications to address major barriers to access:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to any difficulties that individuals with disabilities experience in achieving homeownership:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

Identify sources of local data and local knowledge related to disproportionate housing needs experienced by individuals with disabilities:

<b>Organization/Agency/Dataset/etc.</b>	<b>Point of Contact/Location/URL</b>

**Preparing to Complete the AFH**

Have recent Analyses of Impediments (AIs), Assessments of Fair Housing, and other relevant planning documents been reviewed?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Explain what fair housing goals were selected in these documents:

Has the progress made toward achieving fair housing goals in the recent AIs, Assessments of Fair Housing, and other relevant planning documents been examined?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
Explain what progress has been made:	

**Fair Housing Enforcement, Outreach Capacity, and Resources**

Identify any and all of the following in the below chart and identify when they were resolved:

1. a charge or letter of finding from HUD concerning a violation of civil rights-related law;
2. a cause determination from a substantially equivalent State or local fair housing agency concerning a violation of a State or local fair housing law;
3. a letter of findings issues by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law; or
4. a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing.

<b>Charges, Letters of Findings, Cause Determinations, and Lawsuits</b>	<b>Status</b>

Identify any state or local fair housing laws applicable to the program participant(s):


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Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, and include a description of their capacity and the resources available to them:

Local and Regional Fair Housing Agencies and Organizations	Description of Capacity and Resources

**Completing and Reviewing the Program Participant’s AFH for Completeness**

When completing the AFH, the User Interface requires completion of necessary fields before submission. This part of the Checklist and Worksheet will assist program participants in ensuring that all parts of questions are considered when answering a question. This part of the Checklist and Worksheet may be useful in keeping track of information that should be included in the program participant’s AFH before submission.

**Executive Summary**

For the Executive Summary, has the program participant summarized the fair housing issues, significant contributing factors, and goals? Has the program participant included an overview of the process and analysis used to reach the goals?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

**Community Participation Process**

In answering the components of the Community Participation Process section, has the program participant considered and:

- ✓ Described outreach activities undertaken to encourage and broaden meaningful community participation, including identification of the types of outreach activities and dates of public hearings or meetings?
- ✓ Identified media outlets used?

- ✓ Included a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process, such as persons who reside in areas identified as R/ECAPs, LEP persons, and persons with disabilities?
- ✓ Briefly explain how the program participant’s communications were designed to reach the broadest possible audience?
- ✓ If you are a PHA, identified all of the program participant’s meetings with the Resident Advisory Board?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

Has the program participant provided a complete list of organizations consulted during the community participation process?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, list what organizations are missing:	

Has the program participant explained how successful the efforts at eliciting meaningful community participation were? If there was low participation, has the program participant provided all the reasons?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

Has the program participant summarized all comments obtained in the community participation process? Did you include a summary of any comments or views not accepted and the reasons why?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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**Assessment of Past Goals, Actions, and Strategies**

Has the program participant considered and identified each fair housing goal selected in the program participant’s recent Analyses of Impediments, Assessments of Fair Housing, or other relevant planning documents?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>If no, explain what is missing:</p>		

Has the program participant considered and discussed what progress has been made toward achievement of each of the past fair housing goals?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>If no, explain what is missing:</p>		

Has the program participant considered and discussed how the program participant’s experience with past goals has influenced the selection of current goals?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

Has the program participant considered and discussed any additional policies, actions, or steps that address fair housing issues?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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**Fair Housing Analysis**

**Note:** For all questions, program participants must use the HUD-provided data and supplement that information with local data and local knowledge when it meets the criteria under 24 C.F.R. § 5.152.

In some circumstances, “No data or information available to answer this question” may be an acceptable answer. As stated in the Instructions to the Assessment Tool: “Where HUD has not provided data for a specific question in the Assessment Tool and program participants do not have local data or local knowledge that would assist in answering the question, program participants are expected to note this rather than leaving the question blank.”

For the Demographic Summary, has the program participant considered and described demographic patterns in the (1) jurisdiction, and (2) region, and (3) trends over time for both?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

For the Demographic Summary, has the program participant considered and described the location of:

1. Homeowners in the jurisdiction?
2. Homeowners in the region?
3. Renters in the jurisdiction?
4. Renters in the region?
5. And has the program participant described trends for each of these over time (since 1990)?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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For the Segregation/Integration analysis, has the program participant:

1. Evaluated, described, and compared segregation levels in the jurisdiction and region for all protected classes identified?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

2. Evaluated and identified the racial/ethnic groups that experience the highest levels of segregation?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

3. Evaluated and explained how each of these segregation levels have changed over time (since 1990)?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

4. Evaluated and identified areas with relatively high segregation and integration by (1) race/ethnicity, (2) national origin, and (3) LEP group, and has the program participant indicated the prominent groups living in each area?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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5. Evaluated and described the location of owner and renter occupied housing in determining whether such housing is located in segregated or integrated areas?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

6. Evaluated and discussed how patterns of segregation have changed over time (since 1990)?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

7. Evaluated and discussed whether there are any demographic trends, policies, or practices that could lead to higher segregation in the jurisdiction in the future?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

8. Evaluated and provided any additional relevant information?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

9. Evaluated each of the following contributing factors listed, and considered any other factors affecting the jurisdiction and region?

- Community Opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Lending Discrimination
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Other

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

For the R/ECAP analysis, has the program participant:

1. Evaluated and identified any R/ECAPS or groupings of R/ECAP tracts within the jurisdiction?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

2. Evaluated and identified which protected classes disproportionately reside in R/ECAPs compared to (1) the jurisdiction and (2) the region?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

3. Evaluated and described how R/ECAPs have changed over time (since 1990)?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

4. Evaluated and provided any additional information about R/ECAPs in the jurisdiction and region affecting groups with other protected characteristics?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

5. Evaluated each of the following contributing factors listed, and considered any other factors affecting the jurisdiction and region?

- Community Opposition
- Deteriorated and abandoned properties
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Location and type of affordable housing

- Occupancy codes and restrictions
- Private discrimination
- Other

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

In the Disparities in Access to Opportunity analysis, has the program participant:

1. Evaluated and described any disparities in access to proficient schools based on (1) race/ethnicity, (2) national origin, and (3) family status?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

2. Evaluated and described the relationship between the residency patterns of (1) racial/ethnic, (2) national origin, and (3) family status groups and their proximity to proficient schools.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

3. Evaluated and described how school-related policies, such as school enrollment policies, affect a student's ability to attend a proficient school, and which protected class groups are least successful in accessing proficient schools?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

4. Evaluated and described any disparities in access to jobs and labor markets by protected class groups.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

5. Evaluated and described how a person’s place of residence affects their ability to obtain a job?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

6. Evaluated and identified which racial/ethnic, national origin, or family status groups are least successful in accessing employment?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

7. Evaluated and described any disparities in access to transportation based on place of residence, cost, or other transportation related factors?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

8. Evaluated and identified which racial/ethnic, national origin, or family status groups are most affected by the lack of a reliable, affordable transportation connection between their place of residence and opportunities?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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9. Evaluated and described how the jurisdiction’s and region’s policies, such as public transportation routes or transportation systems designed for use personal vehicles, affect the ability of protected class groups to access transportation.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

10. Evaluated and described any disparities in exposure to poverty by protected class groups?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

11. Evaluated and described what role a person’s place of residence plays in their exposure to poverty?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

12. Evaluated and described which racial/ethnic, national origin or family status groups are most affected by these poverty indicators?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

13. Evaluated and described how the jurisdiction’s and region’s policies affect the ability of protected class groups to access low poverty areas?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

14. Evaluated and described any disparities in access to environmentally healthy neighborhoods by protected class groups?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

15. Evaluated and described which racial/ethnic, national origin or family status groups have the least access to environmentally healthy neighborhoods?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

16. Evaluated, identified, and discussed any overarching patterns of access to opportunity and exposure to adverse community factors based on race/ethnicity, national origin or familial status?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

17. Evaluated and identified areas that experience an aggregate of poor access to opportunity and high exposure to adverse factors, including how these patterns compare to patterns of segregation and R/ECAPs.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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18. Evaluated and provided any additional relevant information about disparities in access to opportunity in the jurisdiction and region affecting groups with other protected characteristics?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

19. Evaluated the following and any other factors affecting the jurisdiction and region?

- Access to financial services
- The availability, type, frequency, and reliability of public transportation
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Lending Discrimination
- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination

- Other

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

In the Disproportionate Housing Needs analysis, has the program participant:

1. Evaluated and discussed which groups (by race/ethnicity and family status) experience higher rates of housing cost burden, overcrowding, or substandard housing when compared to other groups?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

2. Evaluated and discussed which groups also experience higher rates of severe housing burdens when compared to other groups?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

3. Evaluated and discussed which areas in the jurisdiction and region experience the greatest housing burdens?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

4. Evaluated and discussed which of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the predominant race/ethnicity or national origin groups in such areas?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

5. Evaluated and compared the needs of families with children for housing units with two, and three or more bedrooms with the available existing housing stock in each category of publicly supported housing?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

6. Evaluated and described the differences in rates of renter and owner occupied housing by race/ethnicity in the jurisdiction and region?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

7. Evaluated and provided additional relevant information, if any, about disproportionate housing needs in the jurisdiction and region affecting groups with other protected characteristics?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

8. Evaluated the following and any other factors affecting the jurisdiction and region?

- The availability of affordable units in a range of sizes
- Displacement of residents due to economic pressures
- Lack of private investments in specific neighborhoods

- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Lending Discrimination
- Other

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

**Publicly Supported Housing Analysis**

With respect to publicly supported housing demographics, has the program participant:

1. Evaluated whether there are certain racial/ethnic groups more likely to be residing in one category of publicly supported housing than other categories (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and Housing Choice Voucher (HCV))?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

2. Evaluated the comparison of demographics, in terms of protected class, of residents of each category of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and HCV) to the population in general, and persons who meet the income eligibility requirements for the relevant category of publicly supported housing? Has the program participant included in the comparison a description of whether there is a higher or lower proportion of groups based on protected class?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

With respect to publicly supported housing location and occupancy, has the program participant:

1. Evaluated patterns in the geographic location of publicly supported housing by each program category (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

2. Evaluated patterns in the geographic location for publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in relation to previously discussed segregated areas or R/ECAPs?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

3. Evaluated how the demographic composition of occupants of publicly supported housing in R/ECAPS compares to the demographic composition of occupants of publicly supported housing outside of R/ECAPs?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

4. Evaluated whether any developments of public housing, properties converted under the RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class, than other developments of the same category? Describe how these developments differ.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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5. Provided additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

6. Evaluated the comparison of the demographics of occupants of developments, for each category of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, properties converted under RAD, and LIHTC) to the demographic composition of the areas in which they are located?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

7. Evaluated whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

8. Evaluated any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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9. Evaluated whether there are any disparities in access to opportunity for residents of publicly supported housing, including within different program categories (public housing, project-based Section 8, Other HUD Multifamily Assisted Developments, HCV, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

10. Evaluated whether there is any additional relevant information about publicly supported housing in the jurisdiction and region, particularly information about groups with other protected characteristics and about housing not captured in the HUD-provided data?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

11. Evaluated the following and any other factors affecting the jurisdiction and region?

- Admissions and occupancy policies and procedures, including preferences in publicly supported housing
- Land use and zoning laws
- Community opposition
- Impediments to mobility
- Lack of private investment in specific neighborhoods

- Lack of public investment in specific neighborhoods, including services and amenities
- Lack of regional cooperation
- Occupancy codes and restrictions
- Quality of affordable housing information programs
- Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
- Source of income discrimination
- Other

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

**Disability and Access Analysis**

With respect to the population profile of individuals with disabilities, has the program participant:

1. Evaluated how persons with disabilities are geographically dispersed or concentrated in the jurisdiction and region, including R/ECAPs and other segregated areas identified in previous sections?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

2. Evaluated whether these geographic patterns vary for persons with each type of disability or for persons with disabilities in different age ranges.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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With respect to housing accessibility for individuals with disabilities, has the program participant:

1. Evaluated whether the jurisdiction and region have sufficient affordable, accessible housing in a range of unit sizes.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

2. Evaluated the areas where affordable accessible housing units are located. Do they align with R/ECAPs or other areas that are segregated?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

3. Evaluated to what extent persons with different disabilities are able to access and live in the different categories of publicly supported housing?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

With respect to the integration of persons with disabilities living in institutions and other segregated settings, has the program participant:

1. Evaluated to what extent persons with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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2. Evaluated the range of options for persons with disabilities to access affordable housing and supportive services?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

With respect to disparities in access to opportunity for individuals with disabilities, has the program participant:

1. Evaluated to what extent are persons with disabilities able to access the following and whether there are major barriers: (i) Government services and facilities; (ii) Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals); (iii) Transportation; (iv) Proficient schools and educational programs; and (v) Jobs?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

2. Evaluated the processes that exist in the jurisdiction and region for persons with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

3. Evaluated any difficulties in achieving homeownership experienced by persons with disabilities and by persons with different types of disabilities.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>If no, explain what is missing:</p>
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4. Has the program participant evaluated any disproportionate housing needs experienced by persons with disabilities and by persons with certain types of disabilities?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

5. Has the program participant evaluated any additional relevant information about disability and access issues in the jurisdiction and region affecting groups with other protected characteristics?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>If no, explain what is missing:</p>	

6. Has the program participant evaluated the following factors, and considered any other factors affecting the jurisdiction and region?

- Access to proficient schools for persons with disabilities
- Access to publicly supported housing for persons with disabilities
- Access to transportation for persons with disabilities
- Inaccessible government facilities or services
- Inaccessible sidewalks, pedestrian crossings, or other infrastructure
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, accessible housing in range of unit sizes
- Lack of affordable, integrated housing for individuals who need supportive services

- Lack of assistance for housing accessibility modifications
- Lack of assistance for transitioning from institutional settings to integrated housing
- Land use and zoning laws
- Lending Discrimination
- Location of accessible housing
- Occupancy codes and restrictions
- Regulatory barriers to providing housing and supportive services for persons with disabilities
- State or local laws, policies, or practices that discourage individuals with disabilities from being placed in or living in apartments, family homes, and other integrated settings
- Other

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

**Fair Housing Enforcement, Outreach Capacity, and Resources Analysis**

1. Has the program participant identified any and all of the following that have not been resolved: a charge or letter of finding from HUD concerning a violation of a civil rights-related law, a cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law, a letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law, or a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing.

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

2. Has the program participant evaluated any state or local fair housing laws and what characteristics are protected under each law?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

3. Has the program participant identified any and all local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

4. Has the program participant evaluated additional relevant information, if any, about fair housing enforcement, outreach capacity, and resources in the jurisdiction and region?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

5. Has the program participant evaluated the following contributing factors, and considered any others affecting the jurisdiction and region?

- Lack of local private fair housing outreach and enforcement
- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws
- Unresolved violations of fair housing or civil rights law

- Other

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

**Fair Housing Goals and Priorities**

1. For each fair housing issue, has the program participant prioritized the identified contributing factors? Has the program participant justified the prioritization of the contributing factors that will be addressed by the goals set below in Question 2? Has the program participant given the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

2. For each fair housing issue with significant contributing factors identified in Question 1, has the program participant set one or more goals? Has the program participant evaluated how each goal is designed to overcome the identified contributing factor and related fair housing issue(s)? For goals designed to overcome more than one fair housing issue, has the program participant evaluated how the goal will overcome each issue and the related contributing factors? For each goal, has the program participant identified metrics and milestones for determining what fair housing results will be achieved, and indicate the timeframe for achievement?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, explain what is missing:	

**Example AFH**

This section presents several possible examples of answers to questions in the AFH Analysis section. Actual answers will always depend on local context and circumstances.

**Fair Housing Issue: Segregation/Integration**

**AFH Prompt(s):** Identify areas with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.

**Sample Program Participant Answer:**

City A has a long history of racial segregation due, in substantial part, to policies and practices of redlining and racially discriminatory steering in the 1950s and 1960s. Maps 1, 3, and 4 represent persistent segregation, despite some past efforts toward integration.

Map 1, which is set for each dot to represent 75 individuals, reflects significant segregation among Blacks, Whites, and Hispanics. City A overwhelmingly contains green dots, each representing 75 Black individuals. Orange dots, representing White individuals, are sparse in the City, with the exception of a small cluster in the Midtown area (just north of downtown, and to the east of City A river). Blue dots, representing Hispanic individuals, are concentrated in the Near West area of City A, crossing over the border of City A into County B. Purple dots, which represent individuals identifying as Asian/Pacific Islanders and black dots representing individuals identifying as “other,” appear rarely.

The regional areas on the map reveal stark differences between the demographics of the core of City A and surrounding suburbs. While the City is overwhelmingly Black with some enclaves of Hispanics, the majority of the suburbs are near or exclusively White. Two areas of exception are to the north of the west side of the City, where some mixing is occurring, and in the downriver and south-reaching suburbs, which are traditionally working-class. Based on this data, and information provided with community input, these areas are integrating communities.

The boundaries between Black- and White-identified individuals provide the starkest trend when comparing the ethnic/racial groups, with strong, solid lines between the two groups along most of the City boundaries. Areas of mixing do exist, though, northwest of the City.

**Fair Housing Issue: Publicly Supported Housing Location and Occupancy**

**AFH Prompt(s):** Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs.

**Sample Program Participant Answer:**

City A contains publicly supported housing in each category: public housing, project-based Section 8, Other HUD Multifamily Assisted developments, HCV, and LIHTC units. Most publicly supported housing, with the exception of Section 202 and 811 developments, and

HCV, are located in segregated areas, are clustered in or near R/ECAPs, and were sited in such areas several decades ago.

Twenty-three public housing developments are located in City A, and they are sited almost exclusively in R/ECAPs with high concentrations of Black residents. City A contains nearly two dozen LIHTC units in or near R/ECAPs, also including high concentrations of Black persons. Some LIHTC units are also located in the suburbs of City A, in areas with high rents and housing costs, but those units house elderly households, whose residents are primarily White.

Other HUD Multifamily Assisted developments, including three Section 202 and eight Section 811 developments, are located near the jurisdictional border of City A and County B, close to the suburbs. County B, which is predominately White, also includes several Section 202 and 811 developments. Several commenters during the community participation process noted that developers have repeatedly sited properties using Section 202 and 811 funding near and in the suburbs, asserting high demand for senior housing and housing for persons with disabilities.

HCV density appears greater in the two integrating areas in the north and west sides of City A than in other areas. Local fair housing outreach and counseling organizations participating during community participation noted successes in the HCV program in locating Black and Hispanic voucher holders in the integrating areas in the north and west sides of City A.

### **Fair Housing Issue: Disability and Access, Disparities in Access to Opportunity**

**AFH Prompt(s):** To what extent are persons with disabilities able to access the following? Identify major barriers faced concerning: i. Government services and facilities; ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals); iii. Transportation; iv. Proficient schools and educational programs; v. Jobs.

### **Sample Program Participant Answer:**

City A has an aging infrastructure and many facilities have not been upgraded to include accessibility features. City Hall has a ramp at its entrance, but the ramp is very steep, and City Hall also lacks an accessible bathroom. Many streets lack curb ramps, particularly those outside the central business district, and very few street corners except for a handful in the central business district have audible pedestrian signals. The public transit system consists of bus and a streetcar system. A few busses are equipped with wheelchair lifts, and during community participation, members of the disability community stated that the wheelchair lifts are often broken or some bus drivers do not know how to use them, and some residents have been trapped on busses for hours at a time due to malfunctioning lifts. The streetcar system is decades old and lacks accessible features. An organization of deaf citizens commented that deaf people have difficulty accessing City and County services because City and County personnel and personnel at the local public housing agency do not understand

how to communicate with people who are deaf or hard of hearing because of lack of training on how to use relay services and lack of access to sign language interpreters.

During a community meeting, several disability advocates complained that individuals with disabilities face significant hurdles in finding and obtaining jobs in City A, and even when they do, they have difficulty getting to their jobs because of inaccessible transportation options. Residents state that the school system does provide services for students with disabilities, but many of the schools are inaccessible, as is the surrounding infrastructure, including playgrounds and recreational facilities attached to them. City A and its School Board have been sued for Americans with Disabilities Act violations on several occasions because of physical inaccessibility, and are in discussions to resolve those lawsuits.

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### Contributing Factor Prioritization and Justification Examples

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This section provides possible examples of methods of prioritizing and justifying the prioritization of contributing factors. The examples are based on hypothetical scenarios that are briefly described. Actual contributing factors prioritization and justification would depend on local context, analysis, circumstances and policy decisions.

**Contributing Factor Identified:** Lack of community revitalization strategies

**Prioritization:** High

**Justification:**

The analysis identified segregated areas and R/ECAPs generally lack access to opportunity.

Additionally, publicly supported housing is predominantly located in these areas. Generally, there is a lack of businesses, jobs, and necessary services surrounding publicly supported housing and in these segregated areas. The lack of community revitalization strategies has been selected as a contributing factor of high priority affecting the fair housing issues of segregation, R/ECAP, disparities in access to opportunity, and disproportionate housing needs.

This contributing factor is a high priority as the City has not implemented any comprehensive community revitalization strategies in the past decade. The City has instead traditionally allocated funds to individual neighborhoods and projects. While the City allocates CDBG funding throughout the City to target public investment needs in infrastructure, provides homeownership education, and provides services equally throughout the community, there has not been concerted effort to improve the quality of life in areas that show greater disparities in access to opportunity (including proficient schools, transportation, low poverty exposure, and environmentally healthy neighborhood opportunities). These areas of the City also lack accessibility for persons with disabilities, including lack of accessible housing and infrastructure. The City needs to create a comprehensive community revitalization plan to address community revitalization needs in

the Northeast areas of the City, which are not experienced or are experienced a much lower degree in other parts of the City.

The City is ranking this contributing factor as high because lack of community revitalization strategies restricts housing choice and access to opportunity for racial and ethnic minorities who predominantly occupy that area. The City must begin to target funding in a strategic manner in order to address community development needs as defined by the CDBG statute, which includes addressing poverty, neighborhood blight, deteriorated housing, physical and economic distress, decline, suitability of one’s living environment, and isolation of income groups, among others, as important components of community development need. This contributing factor relates to the discussion of the contributing factor of lack of public investment in specific neighborhoods, including services or amenities, which were also found to be significant.

**Contributing Factor Identified:** Community Opposition

**Prioritization:** Moderate

**Justification:**

The analysis shows a lack of publicly supported housing in parts of the jurisdiction and region, including areas with greater access to opportunity. Local data also shows that new housing construction, including rental housing, tends to be only for units at the high end of the market (e.g. luxury apartments). Community opposition has been selected as a contributing factor of moderate priority affecting the fair housing issues of segregation and disparities in access to opportunity.

Community opposition often affects community development processes, including the local approval process regarding the location of housing and other community assets. However, local leaders, at times, can overcome community resistance and are able to advance community development activities. The City is ranking this contributing factor as a moderate priority because, while the City is able to overcome community opposition in certain circumstances, at times community resistance prevents needed community development, which restricts fair housing choice and access to opportunity. Additionally, where community opposition is overcome, the City must undertake concerted and strategic actions to manage the local opposition. For example, local residents opposed the development of a mixed income multifamily development in the Mapletree area of the City. The City, advocates, and the developer undertook a concerted public information campaign to assuage unfounded neighborhood assumptions that the inclusion of affordable housing units in the mixed income development would increase crime rates and reduce the value of neighbors’ homes.

Another example includes the development of an affordable multifamily property in the Pinelawn area of the City, which local residents opposed by local residents. The City undertook a housing needs assessment, which showed a need for more affordable housing with multi-bedroom units for families with children — a need that would be met by the proposed multifamily property. Next, the City took local residents on a tour of similar

properties in adjacent neighborhoods. These proactive steps tempered the residents’ fears. The City approved the construction permit for the property. Conversely, the City was not able to overcome the opposition to the development of a multifamily property in Ridgewood, a community consisting largely of single family homes and townhouses that has historically been occupied by White residents, even though the housing needs assessment showed a need for affordable housing that would accommodate families with children.

The City was also unable to overcome community opposition in the location of new community assets. In one case, the rail system wanted to extend its service out to surrounding suburbs. In another case, the City was seeking to build a new magnet high school in Cedarville, an affluent area of the City. Both projects received great community opposition. Despite public information campaigns, the City was unable to move forward with the train extension and the magnet school.

These examples demonstrate that community opposition often affects community development, even if the City is sometimes able to overcome this opposition through concerted efforts to manage the opposition.

**Contributing Factor Identified:** Land use and zoning laws

**Prioritization:** 10 out of 10 (with 10 being the highest)

**Justification:**

The analysis shows a lack of publicly supported housing in parts of the jurisdiction and region, including areas with greater access to opportunity as well as patterns of segregation related to publicly supported housing. Zoning and land use has been selected as a 10 out of 10 (with 10 being the highest priority) contributing factor of high priority affecting the fair housing issues of segregation and disparities in access to opportunity.

While the City’s zoning ordinance does not contain outright prohibitions against the construction of multifamily units, the zoning code does have construction limitations that includes setback standards for housing that require a minimum spacing between the property line and the house. The ordinance also includes density restrictions that specify minimum lot sizes for the number of units that can be constructed on a parcel. An assessment of our zoning ordinance shows that the minimum lot size requirement and density restrictions have limited the ability to develop multifamily housing and other types of affordable housing in certain areas and that there is a correlation between these zoning limitations and areas of significant segregation by race/ethnicity and national origin, including LEP populations. The disability community has also raised concerns that local zoning and occupancy ordinances should be reviewed because they may restrict persons with disabilities from living in community-based settings instead of institutions and other segregated settings and set-back requirements may make it more difficult to comply with federal and state accessibility requirements for residential properties and businesses.

The City is ranking this contributing factor as high for the following reasons. First, a targeted zoning reform will improve fair housing outcomes and increase fair housing choice for these populations in the jurisdiction and region through a change in policy reflected in local ordinances and regulations. Second, this change will result in the ability to site new affordable, accessible properties in areas with greater opportunity indicators.

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## Goal Setting Examples

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This section provides examples of possible methods of setting goals. The examples are based on hypothetical scenarios that are briefly described. Actual goals must be designed to overcome fair housing contributing factors and related fair housing issues and will depend on local context and circumstances, analysis, and policy decisions.

### Examples of Goals

The first set of examples present scenarios where two or more goals might complement each other in order to reach fair housing outcomes and achieve a balanced approach to fair housing planning in the jurisdiction and region. The scenarios below provide some context in a hypothetical jurisdiction and present potential goals that might be tailored to those scenarios.

#### EXAMPLE 1

A community development agency and a public housing agency are conducting a joint AFH. Both are located in a high cost market with low rental vacancy rates. Their analysis showed that families with children experience disproportionate housing needs because there are few affordable housing options for families with children in areas with higher proficiency schools. The existing stock of publicly supported housing is at risk of loss due to public housing capital repair needs and project-based Section 8 opt-outs. Additionally, the existing stock of publicly supported housing is located in areas that do not have access to proficient schools or other opportunity assets. The areas in the jurisdiction with greater access to opportunity, specifically higher proficiency schools, have rents that are unaffordable with Housing Choice Vouchers at the current payment standard.

To address the fair housing issues of segregation, R/ECAPs, and disparities in access to opportunity, the collaborating program participants set goals to both preserve existing publicly supported or affordable housing while simultaneously targeting siting of new housing opportunities, particularly for families with children, in higher opportunity areas, including those with higher proficiency schools.

Goal 1	Contributing Factors	Fair Housing Issue(s)	Metrics, Milestones, and Timeframe for Achievement	Responsible Program Participant(s)
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<p>Site 100 units of new subsidized or affordable units in X, Y, and Z neighborhoods with proficient schools</p>	<p>Location and type of affordable housing</p> <p>Zoning and Land Use</p> <p>Location of proficient schools and school assignment policies</p>	<p>Segregation, R/ECAPs, Disparities in Access to Opportunity</p>	<p>Within one year, the City will review and amend its zoning ordinances to eliminate barriers to the construction of new affordable housing in areas with access to proficient schools.</p> <p>Within five years, 100 units of new affordable housing will be sited and constructed in X, Y, and Z neighborhoods with proficient schools.</p>	<p>City Community Development Agency</p> <p>PHA</p>
<p><b>Discussion:</b></p> <p>The analysis showed that one reason families with children experience disproportionate housing needs in the jurisdiction is the lack of affordable housing in areas that provide access to proficient schools because there is little or no multifamily housing in those areas. A review of the City’s zoning ordinance shows that certain restrictions, such as density limits and setback requirements have prevented the construction of new affordable housing in these areas. Within one year, the City will amend its zoning ordinance to remove such barriers to the construction of affordable multifamily housing in these areas of opportunity.</p>				

<b>Goal 2</b>	<b>Contributing Factors</b>	<b>Fair Housing Issue(s)</b>	<b>Metrics, Milestones, and Timeframe for Achievement:</b>	<b>Responsible Program Participant(s)</b>
<p>Preserve 100 units of current assisted housing in A, B, and C neighborhoods, while investing in neighborhood schools to improve quality.</p>	<p>Displacement of Residents</p> <p>Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs</p> <p>Lack of community revitalization strategies</p> <p>Location of proficient schools and school assignment policies</p>	<p>Disproportionate Housing Needs, Disparities in Access to Opportunity</p>	<p>Within one year, the PHA will select 100 units for preservation and rehabilitation.</p> <p>Over the course of the next 3 years, the PHA will work with HUD to pursue a conversion under RAD to effectuate the preservation and rehabilitation of its existing stock.</p> <p>Over the next five years, the City Community Development Agency will conduct targeted investment in elementary schools and early childhood programming in the areas where</p>	<p>PHA, City Community Development Agency</p>

			the units selected by the PHA are located.	
<p><b>Discussion:</b></p> <p>The analysis showed that a significant number of residents are being displaced due to increasing rents and that affordable housing is at risk of loss due to public housing capital repair needs and project-based Section 8 opt-outs. Additionally, the current location of affordable housing does not afford access to proficient schools and other opportunity assets. The PHA will work to preserve existing publicly supported housing to prevent worsening of disproportionate housing needs and within one year will identify 100 units for such preservation and rehabilitation efforts.</p> <p>To advance the goal of preserving or rehabbing the 100 units selected by the PHA, the City Community Development Agency will continue to access LIHTC for rehabilitation of the public housing stock and preservation of private assisted housing at risk of opt outs and loss of current affordability restrictions.</p> <p>The PHA will also pursue preservation of public housing stock through conversion under RAD while also providing a mobility option for existing residents.</p> <p>The Community Development Agency will work with the PHA once units have been selected for preservation in order to revitalize the areas in which those units are located to afford residents greater access to opportunity. The Community Development Agency will develop a targeted investment plan within five years to improving housing, attracting private investment, and expanding educational opportunities in the area where housing preservation efforts are underway.</p>				

**EXAMPLE 2**

Two neighboring jurisdictions—the City Community Development Agency and the County Community Development Agency—have partnered to conduct a joint AFH.

The analysis sections (including maps of housing cost burden) show an overall pattern of housing cost burden in the jurisdiction and region. The analysis also showed that both the Black and Hispanic populations reside in the older, built-up downtown area where more affordable housing is prevalent. The neighboring County however, is predominantly White, has higher housing costs, but also has greater access to opportunity.

Local data on rents and housing prices show rapidly rising prices in a growing set of neighborhoods, especially within the County, which has an increasing population, private construction focused on the higher-end of the market, and growing demand for walkable neighborhoods near transit.

Local knowledge also shows loss of subsidized housing from market pressures including increasing rents and expiring affordable use restrictions in the County. For example, during the community participation process, the tenants’ organization from Springhill Gardens Apartments presented information on possible sale of their building to new ownership that might opt out of the Section 8 contract. This development is promoting integration in an area of the County that is currently undergoing economic improvement with new construction of high priced rental housing and conversion to condominiums underway.

The County also noted in the AFH that existing regulatory barriers (permit requirements, lot sizes, limits on accessory units) limit availability of affordable units.

<b>Goal 1</b>	<b>Contributing Factors</b>	<b>Fair Housing Issue(s)</b>	<b>Metrics, Milestones, and Timeframe for Achievement</b>	<b>Responsible Program Participant(s)</b>
<p>Amend County zoning ordinances and other regulatory barriers to the construction of new affordable housing in the County.</p>	<p>Location and type of affordable housing</p> <p>Zoning and Land Use</p> <p>Occupancy codes and restrictions</p>	<p>Segregation, Disparities in Access to Opportunity</p>	<p>Within six months:</p> <p>Provide recommendations to County zoning and land use entities on what revisions or amendments need to be made to the zoning code and the occupancy code (including the three outlined below).</p> <p>Within one year:</p> <p>Effectuate these recommended revisions and amendments by bringing them to a vote before the County Board of Supervisors.</p>	<p>City Community Development Agency</p> <p>County Community Development Agency</p>

Discussion:

The analysis showed that regulatory barriers in the County contribute to a lack of affordable housing in the County. Because the County has a predominately White population while the City has a predominately Black and Hispanic population, and because there is greater access to opportunity, including proficient schools, employment and low-poverty neighborhoods in the County, these barriers contribute to fair housing issues of segregation and disparities in access to opportunity in the City, County, and region. In order to encourage more affordable housing options in the County, the County Community Development Agency will provide recommendations on revisions and amendments for both the zoning and occupancy codes to the County Board of Supervisors within 6 months. These recommendations will include:

- allow accessory dwelling units in largely single-family owner occupied areas.
- eliminate requirements for special use permits for multifamily developments
- eliminate restrictions on the number of unrelated individuals in the definition of “family.”

The County Board will amend its zoning code to eliminate these barriers within one year.

<b>Goal 2</b>	<b>Contributing Factors</b>	<b>Fair Housing Issue(s)</b>	<b>Metrics, Milestones, and Timeframe for Achievement</b>	<b>Responsible Program Participant(s)</b>
Preserve existing publicly supported housing and other affordable housing in the City, specifically in A and B neighborhoods.	<p>Displacement of residents due to economic pressures</p> <p>Location and type of affordable housing</p> <p>Lack of public investment in specific neighborhoods, including services or amenities</p>	Segregation, Disparities in access to opportunity, Disproportionate housing needs	<p>Within 6 months:</p> <p>Establish a working group with the city tax and landlord-tenant relations agencies to implement recommendations for preserving existing affordable housing.</p> <p>Within one year:</p> <p>Commit funding to update</p>	City Community Development Agency

			<p>infrastructure in the downtown area, including repair and widening of sidewalks, maintenance of commercial corridor at A and B streets, and improvement of public parks C and D.</p> <p>Within five years:</p> <p>Update infrastructure in the downtown area according to funding commitments</p> <p>Reduce abandoned and deteriorated properties by 30% in A and B neighborhoods</p>	
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**Discussion:**

The analysis showed that the displacement of residents due to economic pressures, the location and type of affordable housing, and the lack of public investment in the downtown area contribute to the fair housing issues of segregation, disparities in access to opportunity, and disproportionate housing needs. The downtown area is where most of the older, built up publicly supported housing is located and where most of the City’s Black and Hispanic populations reside; however, that area has been targeted by private investors and developers for revitalization. As a result, other affordable housing in the area has been lost. While there is private investment in this area, public infrastructure has not been updated in decades. In particular, residents pointed out that deteriorated and abandoned properties made the neighborhood unsafe, poor sidewalk quality impedes resident activity, a noisy commercial corridor and unkempt parks keep property values down.

In designated areas to preserve existing affordable housing opportunities, specifically the downtown neighborhoods, the City Community Development Agency will work with City officials to:

- Put in place anti-displacement measures to protect residents of existing private affordable housing.
- Maintain existing affordable private unassisted multifamily and owner-occupied housing in the downtown area through providing property tax relief to owners of affordable rental housing and low-income homeowners.
- Establish tenant right of first refusal for sale of building or conversion to condominiums and limits on rent increases.

These recommendations will serve to promote integration in the downtown area by preserving the existing housing while private investors and developers work to bring in additional housing and employment opportunities.

The City Community Development Agency will also establish a targeted investment plan for the downtown neighborhoods that are seeing private investment, but that have deteriorating infrastructure. For example, the community participation process revealed that the downtown area’s parks have broken equipment, and are often flooded due to poor drainage and sewage systems in the area. Parks and other infrastructure are also inaccessible to persons with disabilities. Within one year the Agency will have established a plan for updating such infrastructure downtown, including accessibility modifications to sidewalks, pedestrian crossings, bus stops, and parks. Within five years, the Community Development Agency will have completed the infrastructure updates in the downtown area, which will provide residents with greater access to opportunity.

The following are additional hypothetical goals. The examples are intended to provide additional examples of how goals might be set based on contributing factors, fair housing issues, and local context. They are intended to demonstrate various ways to set metrics and milestones for different types of goals. The scenarios also identify how program participants can individually and collaboratively set goals. In order to provide local context, additional hypothetical scenarios precede the examples of goals below.

### **EXAMPLE 3**

A City conducting an individual AFH found, as part of its analysis of segregation and integration in the jurisdiction and region, that many of the areas in the suburbs and City neighborhoods outside of the City-center or downtown area, have predominantly White populations and consist of single-family, owner-occupied housing. As part of its analysis of disparities in access to opportunity, the City found that these suburban areas outside of the City center also have the greatest access to proficient schools; high quality; reliable, and accessible transit options; grocery stores; and parks.

Conversely, the City found that the downtown area consists of mostly rental housing, including publicly supported housing, and that this housing is predominantly occupied by the City's Hispanic residents; however most of the City's Black residents also live in the downtown area, as opposed to the suburban areas discussed above.

A review of the City's zoning ordinance revealed a possible reason for the segregated living patterns the City observed in its analysis. The ordinance contains several restrictions limiting where multifamily housing can be built in the City. Thus, the majority of multifamily housing, both privately owned and publicly supported, is located downtown and mostly single-family owner-occupied homes are located outside of the City center and in the suburban areas.

The community participation process revealed additional reasons for the disparity in homeownership for the City's Black and Hispanic residents. A private fair housing organization, which was contracted by the City as part of its AFH, conducted a six-month testing program. The results of the testing program were submitted to the City and provided as part of the community participation process. The results showed widespread discriminatory steering of minority-home seekers by real estate brokers and a high incidence of racially-motivated false denials of housing availability and other discriminatory practices by local apartment owners and managers. This prevalence of private discrimination contributes to and perpetuates the prevalence of segregation, R/ECAPs, and disparities in access to opportunity in the jurisdiction and region.

The community participation process also revealed that the City lacks both multifamily and single-family housing that is accessible for persons with disabilities. A review of the City's

housing code reveals that architectural standards for newly constructed multifamily dwellings provide for narrow doorway clearances and methods of ingress and egress that may not be on an accessible route for wheelchair and scooter users. While conflicting with federal architectural accessibility requirements, many developers and contractors in the area rely on the local architectural standards. The city also determined that there is a lack of incentive to construct or alter single-family housing to be accessible because it is costly. Additionally, both disability advocates and persons with disabilities provided comments during the community participation process relating to the need for accessibility modifications. These commenters noted the lack of a modification fund, which has increased the cost of obtaining accessibility modifications for persons with disabilities in the jurisdiction and region. As a result, most persons with disabilities living in the jurisdiction and region reside in the downtown area and experience high costs with respect to housing in order to live in accessible units or single-family homes.

<b>Goal</b>	<b>Contributing Factors</b>	<b>Fair Housing Issue(s)</b>	<b>Metrics, Milestones, and Timeframe for Achievement</b>	<b>Responsible Program Participant(s)</b>
Amend zoning ordinances to eliminate restrictions to multifamily housing development in integrated areas and areas with educational, transportation, and low poverty exposure opportunities	Land use and zoning  Location and type of affordable housing  The availability, type, frequency, and reliability of public transportation	Segregation  Disparities in access to opportunity	By the end of the current fiscal year, the City Community Development Agency and the Mayor’s Office will coordinate with staff of the City Council and the City will enact an amended zoning ordinances that will allow inclusion of additional multifamily housing in integrated areas and areas of opportunity	City

**Discussion:**

The community’s existing zoning laws greatly restrict where multifamily housing can be built because the land is zoned for lower density development. Multifamily development is scarce in the suburban areas and areas outside the downtown area of the City that have the best schools, have multiple modes of transportation (including accessible transportation for persons with disabilities), and are close to the best parks and retail establishments. Most multifamily development is located in segregated areas (mainly downtown), many of which border on or are located in racially and ethnically concentrated areas of poverty.

By the end of the current fiscal year, to address the fair housing issues of segregation and disparities in access to opportunity, the City Community Development Agency and the Mayor’s Office will coordinate with staff of the City Council to draft amended ordinances to present to the City Council for a vote and enactment by the City Council. The purpose of the ordinance will be to expand the areas in which multifamily housing may be constructed by reducing density limitations and expanding the ability to build multifamily housing into more zones. This revision will promote integration and provide greater access to opportunity for protected class groups in the jurisdiction and region. Further, the amended zoning ordinance will allow for the construction of new multifamily housing in the areas outside of downtown where there is the greatest access to opportunity assets.

<b>Goal</b>	<b>Contributing Factors</b>	<b>Fair Housing Issue(s)</b>	<b>Metrics, Milestones, and Timeframe for Achievement</b>	<b>Responsible Program Participant(s)</b>
Enact an inclusive zoning ordinance with a 10% set aside of “moderately priced dwelling units” for sale to households with incomes at or below 80 percent of the standard metropolitan statistical area	Zoning and land use  Location and type of affordable housing	Segregation  R/ECAPs  Disparities in access to opportunity  Disproportionate Housing Needs	Within 6 months, the City will enact the inclusive zoning ordinance with a 10% set aside. The inclusive zoning ordinance will become effective 3 months following its enactment.	City

**Discussion:**

For fifty years, the City has had an ordinance that provides for single-family half-acre zoning. The ordinance makes the cost of land prohibitive for the development of housing that is affordable to low- and moderate- income households. Sixty percent of the housing that is affordable to low- and moderate- income households in the Core Based Statistical Area is located in high poverty areas predominantly occupied by Black and Hispanic population. The City’s assessment of fair housing concluded that the half-acre zoning ordinance has contributed to segregation; the persistence of racially and ethnically concentrated areas of poverty; disparities in access to educational, employment, and other opportunities; and disproportionate housing needs for Black and Hispanic persons in the City.

The City Council will enact an ordinance within 6 months requiring that, as of 3 months following the enactment of the ordinance, all new developments of 10 or more units will include a 10-percent set-aside of “moderately priced dwelling units” (MPDUs), which will be reserved for sale to households with incomes at or below 80 percent of the standard metropolitan statistical area median.

<b>Goal</b>	<b>Contributing Factors</b>	<b>Fair Housing Issue(s)</b>	<b>Metrics, Milestones, and Timeframe for Achievement</b>	<b>Responsible Program Participant(s)</b>
<p>Enact fair housing ordinance modeled after the Fair Housing Act, which includes establishment of a City Commission on Human Rights to investigate complaints and conduct outreach, an increase in fair housing testing resources, and enforcement procedures</p>	<p>Private discrimination  Source of Income Discrimination  Lack of state or local fair housing laws</p>	<p>Segregation  R/ECAPs  Disparities in access to opportunity</p>	<p>Within 6 months, enact the fair housing ordinance; within one year, establish the City Commission on Human Rights; within eighteen months, conduct 15 separate steering and false-denial tests; and within two years, resolve 30 enforcement actions. During this period, the City</p>	<p>City</p>

and monetary and other remedies.			will conduct outreach to private fair housing organizations, property managers, and real estate broker organizations.	
<p><b>Discussion:</b></p> <p>A 6-month testing program, conducted as part of the City’s AFH by a private fair housing organization under contract with the city, documented widespread discriminatory steering of minority home-seekers by real estate brokers and a high incidence of racially-motivated false denials of housing availability and other discriminatory practices by local apartment owners and managers, including the denial of housing for Housing Choice Voucher holders. The testing program determined that the private discrimination contributes to and perpetuates segregation, the existence of R/ECAPs, and disparities in access to opportunity throughout the region.</p> <p>To address the lack of state or local fair housing laws, over the next two years, the City will shepherd through the City Council a comprehensive fair housing ordinance, modeled on the Federal Fair Housing Act, which will: (1) establish a City Commission on Human Rights (CCHR) to enforce the ordinance through investigations, resolutions, and referral of charges of discrimination to the City Attorney’s Office for judicial enforcement, conduct outreach, and oversee a testing program; (2) within eighteen months, conduct 15 separate steering and false-denial tests in conjunction with local private fair housing organizations; (3) resolve thirty investigations or court cases through settlement or judicial resolution; and (4) continue to develop relationships with local private fair housing organizations, property managers, and real estate brokers on the steering and false-denial problems throughout the City. The ordinance will appropriate sufficient funds to staff the CCHR and for it to meet its objectives.</p> <p>Ultimately, the CCHR and its enforcement of the ordinance will combat private discrimination and source of income discrimination in the jurisdiction and region. This will open up housing opportunities for protected class groups that have been historically discriminated against.</p>				
<b>Goal</b>	<b>Contributing Factors</b>	<b>Fair Housing Issue(s)</b>	<b>Metrics, Milestones, and</b>	<b>Responsible Program Participant(s)</b>

			<b>Timeframe for Achievement</b>	
Provide for additional accessible multifamily and single family units for individuals with disabilities through a comprehensive strategy of ensuring architectural requirements are consistent with federal law, modifications to the zoning code, and the establishment of a reasonable modification fund for accessibility improvements.	<p>Lack of affordable, accessible housing in a range of unit sizes</p> <p>Access to transportation for persons with disabilities</p> <p>Lack of assistance for housing accessibility modifications</p>	<p>Segregation</p> <p>Disparities in Access to Opportunity (persons with disabilities)</p>	<p>Within 1 year, draft, adopt, and implement revised construction code.</p> <p>Within 18 months draft, adopt, and implement amended zoning code with “density bonus” tied to the County’s Design-for-Accessibility program.</p> <p>Within 2 years, establish a reasonable modification fund, appropriate funds, and distribute funds to 50 individuals with disabilities to make modifications to their households.</p>	City
<p><b>Discussion:</b></p> <p>The City lacks multi-family and single-family units that are physically accessible for individuals with disabilities. A review of the City’s housing code reveals that architectural</p>				

standards for newly constructed multifamily dwellings provide for narrow doorway clearances and methods of ingress and egress that may not be on an accessible route for wheelchair and scooter users. While conflicting with federal architectural accessibility requirements, many developers and contractors in the area rely on the local architectural standards. The City also determined that there is a lack of incentive to newly construct single-family units. In addition, altering moderately priced single-family units for accessibility typically does not occur because it is costly.

Within one year, the City will adopt an accessibility standard for making newly constructed multifamily dwellings accessible consistent with the accessibility requirements of the Fair Housing Act and other federal laws, and additionally requiring 10% of units in a new multifamily development to provide enhanced accessibility to persons with mobility disabilities and 4% to provide enhanced accessibility to persons with hearing/vision impairments. Following adoption, city permitting staff will enforce requirements by reviewing design and construction plans and inspecting new developments for compliance before occupancy.

Within eighteen months, the City will also amend its zoning code to grant a “density bonus” to encourage developers to build single-family homes, especially in the suburb areas that have the best access to accessible transit options for persons with disabilities. This bonus will allow developers to build more single family homes per acre than permitted by the zoning code if the developer will make 10% of the homes “live-able,” according to the County’s Design for Accessibility program. Under the program, “Live-Able” means that, among others, entrances, walking surfaces, doorways, ramps, and routes are all accessible for individuals with disabilities, including a wheelchair or scooter user. Dwelling units have accessible kitchens and bathrooms, and fixtures and appliances are on accessible routes and within allowable reach ranges. Architectural specifications are articulated in the County’s Design for Accessibility program.

Within 2 years, the City will establish a reasonable modification fund to assist persons with disabilities with accessibility modifications in direct response to the comments received during the community participation process from both disability advocates and persons with disabilities. In the 3 years following the establishment of the reasonable modification fund, the city, in cooperation with the housing authority, will provide 50 individuals with disabilities a CDBG-funded grant of up to \$5,000 to make a unit accessible.

**EXAMPLE 4**

The City Community Development Agency found that the Southwestern quadrant of the City is currently experiencing economic growth and community investment. However, as a result of this growth, affordable housing in that area of the City is at risk of being converted to market rate units.

The demographic summary showed that between 1990 and 2000, most of the southwestern quadrant of the City was occupied by Black residents. However, between 2000 and 2010, there was a sharp decrease in the number of Black residents, along with a decrease of affordable housing, in the southwestern quadrant while there was an influx of both White and Asian or Pacific Islander residents. Additionally, the southwest quadrant, which previously had a high density of HCV use no longer has such density and HCV usage is now predominantly in the Northwest quadrant of the City. The northwest quadrant of the City contains several R/ECAPs and lacks any proficient schools, does not have accessible transportation options for persons with disabilities and is close to a waste treatment facility.

As part of the economic growth in the southwest quadrant, transit hubs were updated, refurbished, and made accessible for persons with disabilities. Two parks were refurbished and the schools in the southwest quadrant, which were not previously considered proficient, have undergone renovations and new policies and staff have been assigned to those schools. The area now consists of two proficient elementary schools, and local data and local knowledge showed that there is also a proficient secondary or high school in the southwest quadrant. Additionally, a new minor league baseball stadium opened in the southwest quadrant.

<b>Goal</b>	<b>Contributing Factors</b>	<b>Fair Housing Issue(s)</b>	<b>Metrics, Milestones, and Timeframe for Achievement:</b>	<b>Responsible Program Participant(s)</b>
<p>Preservation of Existing Long-Term Affordable Housing Stock in the Southwestern Quadrant, which is Experiencing Economic Growth and Community Investment</p>	<p>Displacement of residents due to economic pressures</p> <p>Location of proficient schools and school assignment policies</p> <p>Location and type of affordable housing</p>	<p>Disparities in Access to Opportunities</p> <p>Disproportionate Housing Needs</p>	<p>Within six months, the City will implement a comprehensive strategy to preserve affordable housing stock in the Southwest quadrant of the City, which is experiencing economic growth and community investment. The plan will identify affordable housing units in</p>	<p>City Community Development Agency</p>

			the southwest quadrant and preserve at least X% of those units over the next 5 years.	
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**Discussion:**

Comments received during the community participation process showed a large number of privately owned affordable rental developments at risk of conversion to market rate and other loss of affordability in the southwest quadrant of the City, especially for Black residents. The southwestern quadrant is undergoing rapid economic growth due to recent investments in new subway stops and a bus transit hub, refurbishment of parks and schools, and the opening of a new minor league baseball stadium. The southwestern quadrant, for the past two years, has experienced a 200% increase in new building permits being awarded, increasing rents, conversion of existing affordable housing to condominiums, and new leasing for small business start-ups and chains.

The analysis in the Demographics section shows a major decrease in housing affordability both generally and specifically in the case of publicly supported housing units leaving the inventory in the Southwest quadrant. The analysis in the Disproportionate Housing Needs section showed a large mismatch between the need for affordable housing and the limited existing supply, especially in the southwest quadrant, and mostly for Black residents, including HCV holders. This need is exacerbated by the risk of loss of affordable use restrictions on specific publicly supported housing developments. In this case, such restrictions include owners opting not to renew expiring Section 8 contracts, projects with subsidized Section 236 mortgages that are nearing their 30- and 40-year maturity dates, and LIHTC properties reaching the end of their 15-year affordability periods.

Preservation of affordable housing in southwest quadrant will help ensure continued access to the new opportunity assets in the southwest quadrant. The comprehensive strategy will include the following:

1. Establish an early warning system for potential opt outs and expiring affordability restrictions through a central database owned by the City Community Development Agency to track individual properties and through coordination with existing tenant organizations and advocates. This early warning will provide the Agency enough time to work with tenant organizations and establish either additional safeguards for residents of housing with expiring affordability restrictions or alternative affordable housing options in the southwest quadrant.
2. Use targeted preservation strategies including: facilitating sales to mission-oriented affordable housing organizations, community development and resident management corporations, including through encouraging use of HUD’s project-based rental assistance demonstration (RAD) transfer authority.

3. Seek property tax relief in the southwest quadrant to maintain affordability of units in the area.
4. Seek the assistance of the State housing finance agency to coordinate on preservation of privately owned publicly supported housing properties. The City Community Development Agency will also seek to coordinate with the State housing finance agency to promote the development of new LIHTC properties in the southwest quadrant that will accept HCVs.

**EXAMPLE 5**

In conducting a joint AFH with the City Community Development Agency, the City Housing Authority found significant issues facing its HCV holders, who are predominantly Hispanic families with children. Specifically, local knowledge submitted by a local university during the community participation process showed that these families often had to vacate single-family rental homes due to poor living conditions and failures of inspections. These conditions include the failure to maintain plumbing, water heaters, roofing, structural conditions, and electrical systems. Multifamily housing in the jurisdiction and region predominantly consists of 1-2 bedroom units, and approximately half of all multifamily housing is located in R/ECAPs.

The City Housing Authority found that landlords of smaller multifamily properties, which typically consist of larger units with more bedrooms, do not accept Housing Choice Vouchers. However, these properties are predominantly located in areas of opportunity, especially with respect to proficient schools. These areas are predominantly White, with some residents who are Asian or Pacific Islanders, yet very few Hispanic families reside in these areas of opportunity.

Goal	Contributing Factor	Fair Housing Issue(s)	Metrics, Milestones, and Timeframe for Achievement:	Responsible Program Participant(s)
Improve Mobility for Housing Choice Vouchers for Families with Children in Single-Family Homes	Impediments to Mobility  Location and Type of Affordable Housing	Segregation  R/ECAPs  Disparities in Access to Opportunity	Within two years, the City Housing Authority and Community Development Agency will jointly develop and begin implementing a light rehabilitation and higher	City Housing Authority and Community Development Agency

			<p>payment standard program for single family rentals with 3 or more bedrooms to provide safe and quality housing for families with children participating in the HCV program. The program will be in full implementation within 2 years.</p>	
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**Discussion:**

Local knowledge obtained through the community participation process based on research conducted by local college researchers conducting both data analysis and qualitative fieldwork shows that voucher holders often were forced to move as a result of single-family properties failing inspections and having poor living conditions. Poor conditions are often more prevalent in rentals of small single family rentals, rather than larger apartment complexes, due to the failure to maintain plumbing and water heaters, roofing and structural conditions, and electrical systems. The research showed that families with children receiving Housing Choice Vouchers were significantly impacted by these conditions. As such, these families were only able to use their vouchers in areas of the jurisdiction and region that lack proficient schools and other opportunity assets.

The City Housing Authority will, within one year, coordinate, develop, and begin implementing a process with the City Community Development Agency to provide light rehabilitation for a pool of voucher eligible 1-4 unit rental units in areas of opportunity. As a condition of receiving the funding for light rehabilitation, the owners of such units will be required to accept HCVs for a period of ten years. The City Housing Authority will also provide a higher payment standard of 110% for large (3 or more bedroom) units.

The City Housing Authority will conduct outreach to landlords of 1-4 unit properties with larger bedroom sizes in areas of opportunity, to increase participation in the voucher program, provide greater coordination to address tenant concerns relating to where their vouchers are accepted, to accelerate the inspection and approval process for initial leasing, and to address billing and rental payment matters promptly. The Housing Authority and Community Development Agency will fully implement the program within two years.

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**Glossary of AFFH Terms**

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**Affirmatively Furthering Fair Housing** means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development. (24 C.F.R. § 5.152)

**Assessment of Fair Housing (assessment or AFH)** means the analysis undertaken pursuant to § 5.154 that includes an analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals, and is conducted and submitted to HUD using the Assessment Tool. The AFH may be conducted and submitted by an individual program participant (individual AFH), or may be a single AFH conducted and submitted by two or more program participants (joint AFH) or two or more program participants, where at least two of which are consolidated plan program participants (regional AFH). (24 C.F.R. § 5.152)

**Assessment Tool** refers collectively to any forms or templates and the accompanying instructions provided by HUD that program participants must use to conduct and submit an AFH pursuant to § 5.154. HUD may provide different Assessment Tools for different types of program participants. In accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35) (PRA), the Assessment Tool will be subject to periodic notice and opportunity to comment in order to maintain the approval of the Assessment Tool as granted by the Office of Management and Budget (OMB) under the PRA. (24 C.F.R. § 5.152)

**Community Participation** as required in § 5.158, means a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes. For HUD regulations implementing the Housing and Community Development Act of 1974, the statutory term for “community participation” is “citizen participation,” and, therefore, the regulations in 24 CFR parts 91, 92, 570, 574, and 576 use this term. (24 C.F.R. § 5.152)

**Consolidated Plan** The document that is submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submissions for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA), that is prepared in accordance with the process described in this part. (24 C.F.R. § 91.5)

**Consolidated Plan Program Participant** means any entity specified in § 5.154(b)(1). (24 C.F.R. § 5.152). Those entities are Jurisdictions and Insular Areas that are required to submit consolidated plans for the following programs:

- The Community Development Block Grant (CDBG) program (see 24 C.F.R. part 570, parts D and I);
- The Emergency Solutions Grants (ESG) program (see 24 C.F.R. part 576);
- The HOME Investment Partnerships (HOME) program (see 24 C.F.R. part 92);
- The Housing Opportunities for Persons with AIDS (HOPWA) program (see 24 C.F.R. part 574).

**Consortium** An organization of geographically contiguous units of general local government that are acting as a single unit of general local government for purposes of the HOME program (see 24 CFR part 92). (24 C.F.R. § 91.5)

**Contributing Factor or Fair Housing Contributing Factor** means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues. Goals in an AFH are designed to overcome one or more contributing factors and related fair housing issues, as provided in § 5.154. (24 C.F.R. § 5.152)

**Data** refers collectively to the sources of data provided in paragraphs (1) and (2) of this definition. When identification of the specific source of data in paragraph (1) or (2) is necessary, the specific source (HUD-provided data or local data) will be stated.

1. **HUD-Provided Data.** As more fully addressed in the Assessment Tool, the term “HUD-provided data” refers to HUD-provided metrics, statistics, and other quantified information required to be used with the Assessment Tool. HUD-provided data will not only be provided to program participants but will be posted on HUD’s Web site for availability to all of the public;
2. **Local Data.** As more fully addressed in the Assessment Tool, the term “local data” refers to metrics, statistics, and other quantified information, subject to a determination of statistical validity by HUD, relevant to the program participant’s geographic areas of analysis, that can be found through a reasonable amount of search, are readily available at little or no cost, and are necessary for the completion of the AFH using the Assessment Tool. (24 C.F.R. § 5.152)

**Disability** (1) The term “disability” means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of such individual;
2. A record of such an impairment; or

3. Being regarded as having such an impairment.

(2) The term “disability” as used herein shall be interpreted consistent with the definition of such term under section 504 of the Rehabilitation Act of 1973, as amended by the ADA Amendments Act of 2008. This definition does not change the definition of “disability” or “disabled person” adopted pursuant to a HUD program statute for purposes of determining an individual’s eligibility to participate in a housing program that serves a specified population. (24 C.F.R. § 5.152)

**Disproportionate Housing Needs** refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups or the total population experiencing that category of housing need in the applicable geographic area. For purposes of this definition, categories of housing need are based on such factors as cost burden, severe cost burden, overcrowding, and substandard housing conditions, as those terms are applied in the Assessment Tool. (24 C.F.R. § 5.152)

**Fair Housing Choice** means that individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, or disability. Fair housing choice encompasses:

1. Actual choice, which means the existence of realistic housing options;
2. Protected choice, which means housing that can be accessed without discrimination; and
3. Enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed. For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual’s needs as required under Federal civil rights law, including disability-related services that an individual needs to live in such housing.

(24 C.F.R. § 5.152)

Fair Housing Contributing Factor (see Contributing Factor)

Fair Housing Issue means a condition in a program participant’s geographic area of analysis that restricts fair housing choice or access to opportunity, and includes such conditions as ongoing local or regional segregation or lack of integration, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, disproportionate housing needs, and evidence of discrimination or violations of civil rights

law or regulations related to housing. Participation in “housing programs serving specified populations,” as defined in this section, does not present a fair housing issue of segregation, provided that such programs are administered by program participants so that the programs comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs); the Fair Housing Act (42 U.S.C. 3601–19), including the duty to affirmatively further fair housing; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Americans with Disabilities Act (42 U.S.C. 12101, et seq.); and other Federal civil rights statutes and regulations. (24 C.F.R. § 5.152)

Fair Housing Enforcement and Fair Housing Outreach Capacity means the ability of a jurisdiction, and organizations located in the jurisdiction, to accept complaints of violations of fair housing laws, investigate such complaints, obtain remedies, engage in fair housing testing, and educate community members about fair housing laws and rights. This definition covers any State or local agency that enforces a law substantially equivalent to the Fair Housing Act (see 24 CFR part 115) and any organization participating in the Fair Housing Initiative Programs (see 24 CFR part 125). (24 C.F.R. § 5.152)

Familial Status means one or more individuals (who have not attained the age of 18 years) being domiciled with--

- (1) a parent or another person having legal custody of such individual or individuals; or
- (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. (42 U.S.C. 3602(k))

**Geographic Area** means a jurisdiction, region, State, Core-Based Statistical Area (CBSA), or another applicable area (e.g., census tract, neighborhood, Zip code, block group, housing development, or portion thereof) relevant to the analysis required to complete the assessment of fair housing, as specified in the Assessment Tool. (24 C.F.R. § 5.152)

**HUD-provided data** refer to the definition of “data”.

**Housing Programs Serving Specified Populations** Housing programs serving specified populations are HUD and Federal housing programs, including designations in the programs,

as applicable, such as HUD’s Supportive Housing for the Elderly, Supportive Housing for Persons with Disabilities, homeless assistance programs under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), and housing designated under section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e), that:

1. Serve specific identified populations; and
2. Comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d– 2000d–4) (Nondiscrimination in Federally Assisted Programs); the Fair Housing Act (42 U.S.C. 3601–19), including the duty to affirmatively further fair housing; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Americans with Disabilities Act (42 U.S.C. 12101, et seq.); and other Federal civil rights statutes and regulations.

(24 C.F.R. § 5.152)

**Housing Type** is a term clarified in the Assessment Tool’s publicly supported housing section. HUD requires analysis for the following housing program types:

1. Housing that primarily serves families with children;
2. Housing for the elderly; and
3. Housing for persons with disabilities.

**Insular Area** has the same meaning as provided in § 570.405. (24 C.F.R. § 5.152) Eligible applicants are Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands. (24 C.F.R. § 570.405)

**Integration** means a condition, within the program participant’s geographic area of analysis, as guided by the Assessment Tool, in which there is not a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability when compared to a broader geographic area. For individuals with disabilities, integration also means that such individuals are able to access housing and services in the most integrated setting appropriate to the individual’s needs. The most integrated setting is one that enables individuals with disabilities to interact with persons without disabilities to the fullest extent possible, consistent with the requirements of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). See 28 CFR part 35, appendix B (addressing 28 CFR 35.130 and providing guidance on the American with Disabilities Act regulation on nondiscrimination on the basis of disability in State and local government services). (24 C.F.R. § 5.152)

**Joint Participants** refers to two or more program participants conducting and submitting a single AFH (a joint AFH), in accordance with § 5.156 and 24 CFR 903.15(a)(1) and (2), as applicable. (24 C.F.R. § 5.152)

**Jurisdiction** A State or unit of general local government. (24 C.F.R. § 91.5)

**Local Data** refer to the definition of “data”.

**Local Knowledge** as more fully addressed in the Assessment Tool, local knowledge means information to be provided by the program participant that relates to the participant’s geographic areas of analysis and that is relevant to the program participant’s AFH, is known or becomes known to the program participant, and is necessary for the completion of the AFH using the Assessment Tool. (24 C.F.R. § 5.152)

**Meaningful Actions** means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. (24 C.F.R. § 5.15.2)

**Program Category** is a term clarified in the Assessment Tool’s publicly supported housing section. HUD is providing data and requires analysis for the following five housing program categories. The program categories are:

1. Public Housing
2. Project-Based Section 8
3. Other HUD multifamily housing (includes both Section 202—Supportive Housing for the Elderly and Section 811—Supportive Housing for Persons with Disabilities)
4. Low Income Housing Tax Credit (LIHTC) housing
5. Housing Choice Vouchers (HCV)
6. Other publicly supported housing program categories may be relevant to the analysis, but are not included in the program categories for which HUD-provides data and requires analysis.

**Program Participants** means any entities specified in § 5.154(b). (24 C.F.R. § 5.152). Jurisdictions and Insular Areas that are required to submit consolidated plans for the following programs:

- The Community Development Block Grant (CDBG) program (see 24 C.F.R. part 570, parts D and I);
- The Emergency Solutions Grants (ESG) program (see 24 C.F.R. part 576);

- The HOME Investment Partnerships (HOME) program (see 24 C.F.R. part 92);
- The Housing Opportunities for Persons with AIDS (HOPWA) program (see 24 C.F.R. part 574).
- Public housing agencies (PHAs) receiving assistance under sections 8 or 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f or 42 U.S.C. 1437g). (24 C.F.R. § 5.154(b))

**Protected Characteristics** are race, color, religion, sex, familial status, national origin, having a disability, and having a type of disability. (24 C.F.R. § 5.152)

**Protected Class** means a group of persons who have the same protected characteristic; e.g., a group of persons who are of the same race are a protected class. Similarly, a person who has a mobility disability is a member of the protected class of persons with disabilities and a member of the protected class of persons with mobility disabilities. (24 C.F.R. § 5.152)

**Qualified Public Housing Agency (Qualified PHA)** Refers to a PHA:

(1) For which the sum of:

The number of public housing dwelling units administered by the PHA; and

The number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the PHA is 550 or fewer; and

(2) That is not designated under section 6(j)(2) of the United States Housing Act of 1937 as a troubled PHA, and does not have a failing score under the Section 8 Management Assessment Program (SEMAP) during the prior 12 months. (24 C.F.R. § 5.152)

**Racially or Ethnically Concentrated Area of Poverty** means a geographic area with significant concentrations of poverty and minority populations. (24 C.F.R. § 5.152)

**Regionally Collaborating Program Participants** refers to joint participants, at least two of which are consolidated plan program participants. A PHA may participate in a regional assessment in accordance with PHA Plan participation requirements under 24 CFR 903.15(a)(1). Regionally collaborating participants conduct and submit a single AFH (regional AFH) in accordance with § 5.156. (24 C.F.R. § 5.152)

**Segregation** means a condition, within the program participant's geographic area of analysis, as guided by the Assessment Tool, in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. For persons with disabilities, segregation includes a condition in which the housing or services are not in the most integrated setting appropriate to an individual's needs in accordance with the requirements of the Americans with Disabilities Act (42 U.S.C. 12101, et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). (See 28 CFR part

35, appendix B, addressing 25 CFR 35.130.) Participation in “housing programs serving specified populations” as defined in this section does not present a fair housing issue of segregation, provided that such programs are administered to comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d 2000d-4) (Nondiscrimination in Federally Assisted Programs); The Fair Housing Act (42 U.S.C. 3601-19), including the duty to affirmatively further fair housing; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Americans with Disabilities Act (42 U.S.C. 12101, et seq.); and other Federal civil rights statutes and regulations. (24 C.F.R. § 5.152)

**Significant Disparities in access to opportunity** means substantial and measurable differences in access to educational, transportation, economic, and other important opportunities in a community, based on protected class related to housing. (24 C.F.R. § 5.152)

**State** Any State of the United States and the Commonwealth of Puerto Rico. (24 C.F.R. § 91.5)

**Unit of General Local Government** A city, town, township, county, parish, village, or other general purpose political subdivision of a State; an urban county; and a consortium of such political subdivisions recognized by HUD in accordance with the HOME program (24 CFR part 92) or the CDBG program (24 CFR part 570). (24 C.F.R. § 91.5)

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## **Descriptions of Potential Contributing Factors**

### **Access to financial services**

The term “financial services” refers here to economic services provided by a range of quality organizations that manage money, including credit unions, banks, credit card companies, and insurance companies. These services would also include access to credit financing for mortgages, home equity, and home repair loans. Access to these services includes physical access - often dictated by the location of banks or other physical infrastructure - as well as the ability to obtain credit, insurance or other key financial services. Access may also include equitable treatment in receiving financial services, including equal provision of information and equal access to mortgage modifications. For purposes of this contributing factor, financial services do not include predatory lending including predatory foreclosure practices, storefront check cashing, payday loan services, and similar services. Gaps in banking services can make residents vulnerable to these types of predatory lending practices, and lack of access to quality banking and financial services may jeopardize an individual’s credit and the overall sustainability of homeownership and wealth accumulation.

### **Access to proficient schools for persons with disabilities**

Individuals with disabilities may face unique barriers to accessing proficient schools. In some jurisdictions, some school facilities may not be accessible or may only be partially accessible to individuals with different types of disabilities (often these are schools built before the enactment of the ADA or the Rehabilitation Act of 1973). In general, a fully accessible building is a building that complies with all of the ADA's requirements and has no barriers to entry for persons with mobility impairments. It enables students and parents with

physical or sensory disabilities to access and use all areas of the building and facilities to the same extent as students and parents without disabilities, enabling students with disabilities to attend classes and interact with students without disabilities to the fullest extent. In contrast, a partially accessible building allows for persons with mobility impairments to enter and exit the building, access all relevant programs, and have use of at least one restroom, but the entire building is not accessible and students or parents with disabilities may not access areas of the facility to the same extent as students and parents without disabilities. In addition, in some instances school policies steer individuals with certain types of disabilities to certain facilities or certain programs or certain programs do not accommodate the disability-related needs of certain students.

**Access to publicly supported housing for persons with disabilities**

The lack of a sufficient number of accessible units or lack of access to key programs and services poses barriers to individuals with disabilities seeking to live in publicly supported housing. For purposes of this assessment, publicly supported housing refers to housing units that are subsidized by federal, state, or local entities. “Accessible housing” refers to housing that accords individuals with disabilities equal opportunity to use and enjoy a dwelling. The concept of “access” here includes physical access for individuals with different types of disabilities (for example, ramps and other accessibility features for individuals with mobility impairments, visual alarms and signals for individuals who are deaf or hard of hearing, and audio signals, accessible signage, and other accessibility features for individuals who are blind or have low vision), as well as the provision of auxiliary aids and services to provide effective communication for individuals who are deaf or hard of hearing, are blind or have low vision, or individuals who have speech impairments. The concept of “access” here also includes programmatic access, which implicates such policies as application procedures, waitlist procedures, transfer procedures and reasonable accommodation procedures.

**Access to transportation for persons with disabilities**

Individuals with disabilities may face unique barriers to accessing transportation, including both public and private transportation, such as buses, rail services, taxis, and para-transit. The term “access” in this context includes physical accessibility, policies, physical proximity, cost, safety, reliability, etc. It includes the lack of accessible bus stops, the failure to make audio announcements for persons who are blind or have low vision, and the denial of access to persons with service animals. The absence of or clustering of accessible transportation and other transportation barriers may limit the housing choice of individuals with disabilities.

**Admissions and occupancy policies and procedures, including preferences in publicly supported housing**

The term “admissions and occupancy policies and procedures” refers here to the policies and procedures used by publicly supported housing providers that affect who lives in the housing, including policies and procedures related to marketing, advertising vacancies, applications, tenant selection, assignment, and maintained or terminated occupancy. Procedures that may relate to fair housing include, but are not limited to:

- Admissions preferences (e.g. residency preference, preferences for local workforce, etc.)

- Application, admissions, and waitlist policies (e.g. in-person application requirements, rules regarding applicant acceptance or rejection of units, waitlist time limitations, first come first serve, waitlist maintenance, etc.)
- Income thresholds for new admissions or for continued eligibility
- Designations of housing developments (or portions of developments) for the elderly and/or persons with disabilities
- Occupancy limits
- Housing providers' policies for processing reasonable accommodations and modifications requests
- Credit or criminal record policies
- Eviction policies and procedures.

**The availability of affordable units in a range of sizes**

The provision of affordable housing is often important to individuals with certain protected characteristics because groups are disproportionately represented among those who would benefit from low-cost housing. What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. This contributing factor refers to the availability of units that a low- or moderate-income family could rent or buy, including one bedroom units and multi-bedroom units for larger families. When considering availability, consider transportation costs, school quality, and other important factors in housing choice. Whether affordable units are available with a greater number of bedrooms and in a range of different geographic locations may be a particular barrier facing families with children.

**The availability, type, frequency, and reliability of public transportation**

Public transportation is shared passenger transport service available for use by the general public, including buses, light rail, and rapid transit. Public transportation includes paratransit services for persons with disabilities. The availability, type, frequency, and reliability of public transportation affect which households are connected to community assets and economic opportunities. Transportation policies that are premised upon the use of a personal vehicle may impact public transportation. “Availability” as used here includes geographic proximity, cost, safety and accessibility, as well as whether the transportation connects individuals to places they need to go such as jobs, schools, retail establishments, and healthcare. “Type” refers to method of transportation such as bus or rail. “Frequency” refers to the interval at which the transportation runs. “Reliability” includes such factors as an assessment of how often trips are late or delayed, the frequency of outages, and whether the transportation functions in inclement weather.

**Community opposition**

The opposition of community members to proposed or existing developments—including housing developments, affordable housing, publicly supported housing (including use of housing choice vouchers), multifamily housing, or housing for persons with disabilities—is often referred to as “Not in my Backyard,” or NIMBY-ism. This opposition is often expressed in protests, challenges to land-use requests or zoning waivers or variances, lobbying of decision-making bodies, or even harassment and intimidation. Community opposition can be based on factual concerns (concerns are concrete and not speculative, based on rational, demonstrable evidence, focused on measurable impact on a neighborhood) or can be based on biases (concerns are focused on stereotypes, prejudice, and anxiety about the new residents or the units in which they will live). Community opposition, when successful at blocking housing options, may limit or deny housing choice for individuals with certain protected characteristics.

**Deteriorated and abandoned properties**

The term “deteriorated and abandoned properties” refers here to residential and commercial properties unoccupied by an owner or a tenant, which are in disrepair, unsafe, or in arrears on real property taxes. Deteriorated and abandoned properties may be signs of a community’s distress and disinvestment and are often associated with crime, increased risk to health and welfare, plunging decreasing property values, and municipal costs. The presence of multiple unused or abandoned properties in a particular neighborhood may have resulted from mortgage or property tax foreclosures. The presence of such properties can raise serious health and safety concerns and may also affect the ability of homeowners with protected characteristics to access opportunity through the accumulation of home equity. Demolition without strategic revitalization and investment can result in further deterioration of already damaged neighborhoods.

**Displacement of residents due to economic pressures**

The term “displacement” refers here to a resident’s undesired departure from a place where an individual has been living. “Economic pressures” may include, but are not limited to, rising rents, rising property taxes related to home prices, rehabilitation of existing structures, demolition of subsidized housing, loss of affordability restrictions, and public and private investments in neighborhoods. Such pressures can lead to loss of existing affordable housing in areas experiencing rapid economic growth and a resulting loss of access to opportunity assets for lower income families that previously lived there. Where displacement disproportionately affects persons with certain protected characteristic, the displacement of residents due to economic pressures may exacerbate patterns of residential segregation.

**Impediments to mobility**

The term “impediments to mobility” refers here to barriers faced by individuals and families when attempting to move to a neighborhood or area of their choice, especially integrated areas and areas of opportunity. This refers to both Housing Choice Vouchers and other public and private housing options. Many factors may impede mobility, including, but not limited to:

- Lack of quality mobility counseling. Mobility counseling is designed to assist families in moving from high-poverty to low-poverty neighborhoods that have greater access to opportunity assets appropriate for each family (e.g. proficient schools for families with children or effective public transportation.). Mobility counseling can include a range of options including, assistance for families for “second moves” after they have accessed stable housing, and ongoing post-move support for families.
- Lack of appropriate payment standards, including exception payment standards to the standard fair market rent (FMR). Because FMRs are generally set at the 40th percentile of the metropolitan-wide rent distribution, some of the most desirable neighborhoods do not have a significant number of units available in the FMR range. Exception payment standards are separate payment standard amounts within the basic range for a designated part of an FMR area. Small areas FMRs, which vary by zip code, may be used in the determination of potential exception payment standard levels to support a greater range of payment standards.
- Jurisdictional fragmentation among multiple providers of publicly supported housing that serve single metropolitan areas and lack of regional cooperation mechanisms, including PHA jurisdictional limitations.
- HCV portability issues that prevent a household from using a housing assistance voucher issued in one jurisdiction when moving to another jurisdiction where the program is administered by a different local PHA.
- Lack of a consolidated waitlist for all assisted housing available in the metropolitan area.
- Discrimination based on source of income, including SSDI, Housing Choice Vouchers, or other tenant-based rental assistance.

### **Inaccessible buildings, sidewalks, pedestrian crossings, or other infrastructure**

Many public buildings, sidewalks, pedestrian crossings, or other infrastructure components are inaccessible to individuals with disabilities including persons with mobility impairments, individuals who are deaf or hard of hearing, and persons who are blind or have low vision. These accessibility issues can limit realistic housing choice for individuals with disabilities. Inaccessibility is often manifest by the lack of curb cuts, lack of ramps, and the lack of audible pedestrian signals. While the Americans with Disabilities Act and related civil rights laws establish accessibility requirements for infrastructure, these laws do not apply everywhere and/or may be inadequately enforced.

### **Inaccessible government facilities or services**

Inaccessible government facilities and services may pose a barrier to fair housing choice for individuals with disabilities by limiting access to important community assets such as public meetings, social services, libraries, and recreational facilities. Note that the concept of accessibility includes both physical access (including to websites and other forms of communication) as well as policies and procedures. While the Americans with Disabilities

Act and related civil rights laws require that newly constructed and altered government facilities, as well as programs and services, be accessible to individuals with disabilities, these laws may not apply in all circumstances and/or may be inadequately enforced.

**Lack of affordable, accessible housing in a range of unit sizes**

What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. For purposes of this assessment, “accessible housing” refers to housing that accords individuals with disabilities equal opportunity to use and enjoy a dwelling. Characteristics that affect accessibility may include physical accessibility of units and public and common use areas of housing, as well as application procedures, such as first come first serve waitlists, inaccessible websites or other technology, denial of access to individuals with assistance animals, or lack of information about affordable accessible housing. The clustering of affordable, accessible housing with a range of unit sizes may also limit fair housing choice for individuals with disabilities.

**Lack of affordable in-home or community-based supportive services**

The term “in-home or community-based supportive services” refers here to medical and other supportive services available for targeted populations, such as individuals with mental illnesses, cognitive or developmental disabilities, and/or physical disabilities in their own home or community (as opposed to in institutional settings). Such services include personal care, assistance with housekeeping, transportation, in-home meal service, integrated adult day services and other services (including, but not limited to, medical, social, education, transportation, housing, nutritional, therapeutic, behavioral, psychiatric, nursing, personal care, and respite). They also include assistance with activities of daily living such as bathing, dressing, eating, and using the toilet, shopping, managing money or medications, and various household management activities, such as doing laundry. Public entities must provide services to individuals with disabilities in community settings rather than institutions when: 1) such services are appropriate to the needs of the individual; 2) the affected persons do not oppose community-based treatment; and 3) community-based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability-related services from the entity. Assessing the cost and availability of these services is also an important consideration, including the role of state Medicaid agencies. The outreach of government entities around the availability of community supports to persons with disabilities in institutions may impact these individuals’ knowledge of such supports and their ability to transition to community-based settings.

**Lack of affordable, integrated housing for individuals who need supportive services**

What is “affordable” varies by the circumstances affecting the individual, and includes the cost of housing and services taken together. Integrated housing is housing where individuals with disabilities can live and interact with persons without disabilities to the fullest extent possible. In its 1991 rulemaking implementing Title II of the ADA, the U.S. Department of Justice defined “the most integrated setting appropriate to the needs of qualified individuals with disabilities” as “a setting that enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible.” By contrast, segregated settings are occupied exclusively or primarily by individuals with disabilities. Segregated settings

sometimes have qualities of an institutional nature, including, but not limited to, regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, limits on individuals' ability to engage freely in community activities and manage their own activities of daily living, or daytime activities primarily with other individuals with disabilities. For purposes of this tool "supportive services" means medical and other voluntary supportive services available for targeted populations groups, such as individuals with mental illnesses, intellectual or developmental disabilities, and/or physical disabilities, in their own home or community (as opposed to institutional settings). Such services may include personal care, assistance with housekeeping, transportation, in-home meal service, integrated adult day services and other services. They also include assistance with activities of daily living such as bathing, dressing, and using the toilet, shopping, managing money or medications, and various household management activities, such as doing laundry.

### **Lack of assistance for housing accessibility modifications**

The term "housing accessibility modification" refers here to structural changes made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment and use of the premises. Housing accessibility modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Under the Fair Housing Act, landlords are required by fair housing laws to permit certain reasonable modifications to a housing unit, but are not required to pay for the modification unless the housing provider is a recipient of Federal financial assistance and therefore subject to Section 504 of the Rehabilitation Act or is covered by the Americans with Disabilities Act (in such cases the recipient must pay for the structural modification as a reasonable accommodation for an individual with disabilities). However, the cost of these modifications can be prohibitively expensive. Jurisdictions may consider establishing a modification fund to assist individuals with disabilities in paying for modifications or providing assistance to individuals applying for grants to pay for modifications.

### **Lack of assistance for transitioning from institutional settings to integrated housing**

The integration mandate of the ADA and *Olmstead v. L.C.*, 527 U.S. 581 (1999) (*Olmstead*) compels states to offer community-based health care services and long-term services and supports for individuals with disabilities who can live successfully in housing with access to those services and supports. In practical terms, this means that states must find housing that enables them to assist individuals with disabilities to transition out of institutions and other segregated settings and into the most integrated setting appropriate to the needs of each individual with a disability. A critical consideration in each state is the range of housing options available in the community for individuals with disabilities and whether those options are largely limited to living with other individuals with disabilities, or whether those options include substantial opportunities for individuals with disabilities to live and interact with individuals without disabilities. For further information on the obligation to provide integrated housing opportunities, please refer to HUD's Statement on the Role of Housing in Accomplishing the Goals of *Olmstead*, the U.S. Department of Justice's Statement on *Olmstead* Enforcement, as well as the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services final rule and regulations regarding Home and Community-Based Setting requirements. Policies that perpetuate segregation may include: inadequate community-based services; reimbursement and other policies that make needed

services unavailable to support individuals with disabilities in mainstream housing; conditioning access to housing on willingness to receive supportive services; incentivizing the development or rehabilitation of segregated settings. Policies or practices that promote community integration may include: the administration of long-term State or locally-funded tenant-based rental assistance programs; applying for funds under the Section 811 Project Rental Assistance Demonstration; implementing special population preferences in the HCV and other programs; incentivizing the development of integrated supportive housing through the LIHTC program; ordinances banning housing discrimination on the basis of source of income; coordination between housing and disability services agencies; increasing the availability of accessible public transportation.

**Lack of community revitalization strategies**

The term “community revitalization strategies” refers here to realistic planned activities to improve the quality of life in areas that lack public and private investment, services and amenities, have significant deteriorated and abandoned properties, or other indicators of community distress. Revitalization can include a range of activities such as improving housing, attracting private investment, creating jobs, and expanding educational opportunities or providing links to other community assets. Strategies may include such actions as rehabilitating housing; offering economic incentives for housing developers/sponsors, businesses (for commercial and employment opportunities), bankers, and other interested entities that assist in the revitalization effort; and securing financial resources (public, for-profit, and nonprofit) from sources inside and outside the jurisdiction to fund housing improvements, community facilities and services, and business opportunities in neighborhoods in need of revitalization. When a community is being revitalized, the preservation of affordable housing units can be a strategy to promote integration.

**Lack of local private fair housing outreach and enforcement**

The term “local private fair housing outreach and enforcement” refers to outreach and enforcement actions by private individuals and organizations, including such actions as fair housing education, conducting testing, bring lawsuits, arranging and implementing settlement agreements. A lack of private enforcement is often the result of a lack of resources or a lack of awareness about rights under fair housing and civil rights laws, which can lead to under-reporting of discrimination, failure to take advantage of remedies under the law, and the continuation of discriminatory practices. Activities to raise awareness may include technical training for housing industry representatives and organizations, education and outreach activities geared to the general public, advocacy campaigns, fair housing testing and enforcement.

**Lack of local public fair housing enforcement**

The term “local public fair housing enforcement” refers here to enforcement actions by State and local agencies or non-profits charged with enforcing fair housing laws, including testing, lawsuits, settlements, and fair housing audits. A lack of enforcement is a failure to enforce existing requirements under state or local fair housing laws. This may be assessed by reference to the nature, extent, and disposition of housing discrimination complaints filed in the jurisdiction.

**Lack of private investment in specific neighborhoods**

The term “private investment” refers here to investment by non-governmental entities, such as corporations, financial institutions, individuals, philanthropies, and non-profits, in housing and community development infrastructure. Private investment can be used as a tool to advance fair housing, through innovative strategies such as mixed-use developments, targeted investment, and public-private partnerships. Private investments may include, but are not limited to: housing construction or rehabilitation; investment in businesses; the creation of community amenities, such as recreational facilities and providing social services; and economic development of the neighborhoods that creates jobs and increase access to amenities such as grocery stores, pharmacies, and banks. It should be noted that investment solely in housing construction or rehabilitation in areas that lack other types of investment may perpetuate fair housing issues. While “private investment” may include many types of investment, to achieve fair housing outcomes such investments should be strategic and part of a comprehensive community development strategy.

**Lack of public investment in specific neighborhoods, including services or amenities**

The term “public investment” refers here to the money government spends on housing and community development, including public facilities, infrastructure, services. Services and amenities refer to services and amenities provided by local or state governments. These services often include sanitation, water, streets, schools, emergency services, social services, parks and transportation. Lack of or disparities in the provision of municipal and state services and amenities have an impact on housing choice and the quality of communities. Inequalities can include, but are not limited to disparity in physical infrastructure (such as whether or not roads are paved or sidewalks are provided and kept up); differences in access to water or sewer lines, trash pickup, or snow plowing. Amenities can include, but are not limited to recreational facilities, libraries, and parks. Variance in the comparative quality and array of municipal and state services across neighborhoods impacts fair housing choice.

**Lack of regional cooperation**

The term “regional cooperation” refers here to formal networks or coalitions of organizations, people, and entities working together to plan for regional development. Cooperation in regional planning can be a useful approach to coordinate responses to identified fair housing issues and contributing factors because fair housing issues and contributing factors not only cross multiple sectors—including housing, education, transportation, and commercial and economic development—but these issues are often not constrained by political-geographic boundaries. When there are regional patterns in segregation or R/ECAP, access to opportunity, disproportionate housing needs, or the concentration of affordable housing there may be a lack of regional cooperation and fair housing choice may be restricted.

**Lack of resources for fair housing agencies and organizations**

A lack of resources refers to insufficient resources for public or private organizations to conduct fair housing activities including testing, enforcement, coordination, advocacy, and awareness-raising. Fair housing testing has been particularly effective in advancing fair housing, but is rarely used today because of costs. Testing refers to the use of individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling,

pose as prospective buyers or renters of real estate for the purpose of gathering information which may indicate whether a housing provider is complying with fair housing laws. “Resources” as used in this factor can be either public or private funding or other resources. Consider also coordination mechanisms between different enforcement actors.

### **Lack of state or local fair housing laws**

State and local fair housing laws are important to fair housing outcomes. Consider laws that are comparable or “substantially equivalent” to the Fair Housing Act or other relevant federal laws affecting fair housing laws, as well as those that include additional protections.

Examples of state and local laws affecting fair housing include legislation banning source of income discrimination, protections for individuals based on sexual orientation, age, survivors of domestic violence, or other characteristics, mandates to construct affordable housing, and site selection policies. Also consider changes to existing State or local fair housing laws, including the proposed repeal or dilution of such legislation.

### **Land use and zoning laws**

The term “land use and zoning laws” generally refers to regulation by State or local government of the use of land and buildings, including regulation of the types of activities that may be conducted, the density at which those activities may be performed, and the size, shape and location of buildings and other structures or amenities. Zoning and land use laws affect housing choice by determining where housing is built, what type of housing is built, who can live in that housing, and the cost and accessibility of the housing. Examples of such laws and policies include, but are not limited to:

- Limits on multi-unit developments, which may include outright bans on multi-unit developments or indirect limits such as height limits and minimum parking requirements.
- Minimum lot sizes, which require residences to be located on a certain minimum sized area of land.
- Occupancy restrictions, which regulate how many persons may occupy a property and, sometimes, the relationship between those persons (refer also to occupancy codes and restrictions for further information).
- Inclusionary zoning practices that mandate or incentivize the creation of affordable units.
- Requirements for special use permits for all multifamily properties or multifamily properties serving individuals with disabilities.
- Growth management ordinances.

### **Lending Discrimination**

The term “lending discrimination” refers here to unequal treatment based on protected class in the receipt of financial services and in residential real estate related transactions. These

services and transactions encompass a broad range of transactions, including but not limited to: the making or purchasing of loans or other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling, as well as the selling, brokering, or appraising or residential real estate property. Discrimination in these transactions includes, but is not limited to: refusal to make a mortgage loan or refinance a mortgage loan; refusal to provide information regarding loans or providing unequal information; imposing different terms or conditions on a loan, such as different interest rates, points, or fees; discriminating in appraising property; refusal to purchase a loan or set different terms or conditions for purchasing a loan; discrimination in providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or other financial assistance secured by residential real estate; and discrimination in foreclosures and the maintenance of real estate owned properties.

### **Location of accessible housing**

The location of accessible housing can limit fair housing choice for individuals with disabilities. For purposes of this assessment, accessible housing refers to housing opportunities in which individuals with disabilities have equal opportunity to use and enjoy a dwelling. Characteristics that affect accessibility may include physical accessibility of units and public and common use areas of housing, as well as application procedures, such as first come first serve waitlists, inaccessible websites or other technology, denial of access to individuals with assistance animals, or lack of information about affordable accessible housing. Federal, state, and local laws apply different accessibility requirements to housing. Generally speaking, multifamily housing built in 1991 or later must have accessibility features in units and in public and common use areas for persons with disabilities in accordance with the requirements of the Fair Housing Act. Housing built by recipients of Federal financial assistance or by, on behalf of, or through programs of public entities must have accessibility features in units and in public and common use areas, but the level of accessibility required may differ depending on when the housing was constructed or altered. Single family housing is generally not required to be accessible by Federal law, except accessibility requirements typically apply to housing constructed or operated by a recipient of Federal financial assistance or a public entity. State and local laws differ regarding accessibility requirements. An approximation that may be useful in this assessment is that buildings built before 1992 tend not to be accessible.

### **Location of employers**

The geographic relationship of job centers and large employers to housing, and the linkages between the two (including, in particular, public transportation) are important components of fair housing choice. Include consideration of the type of jobs available, variety of jobs available, job training opportunities, benefits and other key aspects that affect job access.

### **Location of environmental health hazards**

The geographic relationship of environmental health hazards to housing is an important component of fair housing choice. When environmental health hazards are concentrated in particular areas, neighborhood health and safety may be compromised and patterns of segregation entrenched. Relevant factors to consider include the type and number of hazards, the degree of concentration or dispersion, and health effects such as asthma, cancer clusters,

obesity, etc. Additionally, industrial siting policies and incentives for the location of housing may be relevant to this factor.

**Location of proficient schools and school assignment policies**

The geographic relationship of proficient schools to housing, and the policies that govern attendance, are important components of fair housing choice. The quality of schools is often a major factor in deciding where to live and school quality is also a key component of economic mobility. Relevant factors to consider include whether proficient schools are clustered in a portion of the jurisdiction or region, the range of housing opportunities close to proficient schools, and whether the jurisdiction has policies that enable students to attend a school of choice regardless of place of residence. Policies to consider include, but are not limited to: inter-district transfer programs, limits on how many students from other areas a particular school will accept, and enrollment lotteries that do not provide access for the majority of children.

**Location and type of affordable housing**

Affordable housing includes, but is not limited to publicly supported housing; however each category of publicly supported housing often serves different income-eligible populations at different levels of affordability. What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. The location of housing encompasses the current location as well as past siting decisions. The location of affordable housing can limit fair housing choice, especially if the housing is located in segregated areas, R/ECAPs, or areas that lack access to opportunity. The type of housing (whether the housing primarily serves families with children, elderly persons, or persons with disabilities) can also limit housing choice, especially if certain types of affordable housing are located in segregated areas, R/ECAPs, or areas that lack access to opportunity, while other types of affordable housing are not. The provision of affordable housing is often important to individuals with protected characteristics because they are disproportionately represented among those that would benefit from low-cost housing.

**Occupancy codes and restrictions**

The term “occupancy codes and restrictions” refers here to State and local laws, ordinances, and regulations that regulate who may occupy a property and, sometimes, the relationship between those persons. Standards for occupancy of dwellings and the implication of those standards for persons with certain protected characteristics may affect fair housing choice. Occupancy codes and restrictions include, but are not limited to:

- Occupancy codes with “persons per square foot” standards.
- Occupancy codes with “bedrooms per persons” standards.
- Restrictions on number of unrelated individuals in a definition of “family.”
- Restrictions on occupancy to one family in single family housing along with a restricted definition of “family.”

- Restrictions that directly or indirectly affect occupancy based on national origin, religion, or any other protected characteristic.
- Restrictions on where voucher holders can live.

### **Private Discrimination**

The term “private discrimination” refers here to discrimination in the private housing market that is illegal under the Fair Housing Act or related civil rights statutes. This may include, but is not limited to, discrimination by landlords, property managers, home sellers, real estate agents, lenders, homeowners’ associations, and condominium boards. Some examples of private discrimination include:

- Refusal of housing providers to rent to individuals because of a protected characteristic.
- The provision of disparate terms, conditions, or information related to the sale or rental of a dwelling to individuals with protected characteristics.
- Steering of individuals with protected characteristics by a real estate agent to a particular neighborhood or area at the exclusion of other areas.
- Failure to grant a reasonable accommodation or modification to persons with disabilities.
- Prohibitions, restrictions, or limitations on the presence or activities of children within or around a dwelling.

Useful references for the extent of private discrimination may be number and nature of complaints filed against housing providers in the jurisdiction, testing evidence, and unresolved violations of fair housing and civil rights laws.

### **Quality of affordable housing information programs**

The term “affordable housing information programs” refers here to the provision of information related to affordable housing to potential tenants and organizations that serve potential tenants, including the maintenance, updating, and distribution of the information . This information includes, but is not limited to, listings of affordable housing opportunities or local landlords who accept Housing Choice Vouchers; mobility counseling programs; and community outreach to potential beneficiaries. The quality of such information relates to, but is not limited to:

- How comprehensive the information is (e.g. that the information provided includes a variety of neighborhoods, including those with access to opportunity indicators)
- How up-to-date the information is (e.g. that the publicly supported housing entity is taking active steps to maintain, update and improve the information).

- Pro-active outreach to widen the pool of participating rental housing providers, including both owners of individual residences and larger rental management companies.

**Regulatory barriers to providing housing and supportive services for persons with disabilities**

Some local governments require special use permits for or place other restrictions on housing and supportive services for persons with disabilities, as opposed to allowing these uses as of right. These requirements sometimes apply to all groups of unrelated individuals living together or to some subset of unrelated individuals. Such restrictions may include, but are not limited to, dispersion requirements or limits on the number of individuals residing together. Because special use permits require specific approval by local bodies, they can enable community opposition to housing for persons with disabilities and lead to difficulty constructing this type of units in areas of opportunity or anywhere at all. Other restrictions that limit fair housing choice include requirements that life-safety features appropriate for large institutional settings be installed in housing where supportive services are provided to one or more individuals with disabilities. Note that the Fair Housing Act makes it unlawful to utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of persons without disabilities, to take action against, or deny a permit, for a home because of the disability of individuals who live or would live there, or to refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs

The term “siting selection” refers here to the placement of new publicly supported housing developments. Placement of new housing refers to new construction or acquisition with rehabilitation of previously unsubsidized housing. State and local policies, practices, and decisions can significantly affect the location of new publicly supported housing. Local policies, practices, and decisions that may influence where developments are sited include, but are not limited to, local funding approval processes, zoning and land use laws, local approval of LIHTC applications, and donations of land and other municipal contributions. For example, for LIHTC developments, the priorities and requirements set out in the governing Qualified Allocation Plan (QAP) influence where developments are located through significant provisions in QAPs such as local veto or support requirements and criteria and points awarded for project location.

Source of income discrimination

The term “source of income discrimination” refers here to the refusal by a housing provider to accept tenants based on type of income. This type of discrimination often occurs against individuals receiving assistance payments such as Supplemental Security Income (SSI) or other disability income, social security or other retirement income, or tenant-based rental assistance, including Housing Choice Vouchers. Source of income discrimination may significantly limit fair housing choice for individuals with certain protected characteristics. The elimination of source of income discrimination and the acceptance of payment for

housing, regardless of source or type of income, increases fair housing choice and access to opportunity.

State or local laws, policies, or practices that discourage individuals with disabilities from being placed in or living in apartments, family homes, and other integrated settings  
State and local laws, policies, or practices may discourage individuals with disabilities from moving to or being placed in integrated settings. Such laws, policies, or practices may include medical assistance or social service programs that require individuals to reside in institutional or other segregated settings in order to receive services, a lack of supportive services or affordable, accessible housing, or a lack of access to transportation, education, or jobs that would enable persons with disabilities to live in integrated, community-based settings.

Unresolved violations of fair housing or civil rights law  
Unresolved violations of fair housing and civil rights laws include determinations or adjudications of a violation or relevant laws that have not been settled or remedied. This includes determinations of housing discrimination by an agency, court, or Administrative Law Judge; findings of noncompliance by HUD or state or local agencies; and noncompliance with fair housing settlement agreements.

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**Example Written Agreement for Joint or Regional Collaborations**

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**COLLABORATION AGREEMENT**

**BETWEEN [Or “AMONG” If More Than 2 Program Participants]**

**[Program Participant 1]**

**AND**

**[Program Participant 2]**

**FOR**

**THE [include years the AFH covers] ASSESSMENT OF FAIR HOUSING**

THIS AGREEMENT, entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between [or “by and among” if more than 2 program participants] the \_\_\_\_\_ (herein called the “”) and \_\_\_\_\_ (herein called the “”) (collectively referred to as “Program Participants”).

WHEREAS, \_\_\_\_\_ [ name of 1<sup>st</sup> program participant], is a consolidated plan program participant with a program year start date of \_\_\_\_\_ [insert date]. \_\_\_\_\_’s [name of program participant] next [indicate 3, 4 or 5-year] consolidated plan cycle will begin in \_\_\_\_\_ [insert year].

WHEREAS, \_\_\_\_\_ [name of public housing authority], is a public housing authority (PHA) with a fiscal year beginning date of \_\_\_\_\_ [insert date]. \_\_\_\_\_'s (name of PHA) next 5-year PHA plan will begin in \_\_\_\_\_[insert year].

WHEREAS, the Program Participants are subject to the affirmatively furthering fair housing requirements found at 24 CFR §§5.150 through 5.180 and required to submit an Assessment of Fair Housing (AFH); and

WHEREAS, the Program Participants wish to collaborate to submit the AFH;

NOW, THEREFORE, it is agreed between the parties hereto that:

LEAD ENTITY

[Designated Program Participant] will serve as the lead entity of the collaboration and will be responsible for submitting the joint or regional AFH on behalf of all the collaborating Program Participants.

PROGRAM YEAR/FISCAL YEAR ALIGNMENT

Collaborating Program Participants will, to the extent practicable, align their consolidated plan program year start date(s) and/or PHA plan fiscal year beginning date(s) in accordance with the regulations at 24 CFR 91.10, for consolidated plan program participants, or 24 CFR part 903, for PHAs. If alignment of program year(s) or fiscal year(s) is not possible, the AFH will be submitted in accordance with the lead entity's consolidated plan program year start date or PHA plan fiscal year beginning date (as applicable).

CONSOLIDATED PLANNING/PHA PLANNING CYCLE ALIGNMENT

Collaborating Program Participants will, to the extent practicable, align their consolidated planning cycle(s) and/or PHA planning cycle(s) in accordance with the regulations at 24 CFR part 91, for consolidated plan program participants, or 24 CFR part 903, for PHAs. If alignment of consolidated planning cycle(s) or PHA planning cycle(s) is not possible, the AFH will be submitted in accordance with the lead entity's consolidated plan cycle or PHA plan cycle.

ROLES/RESPONSIBILITIES OF PROGRAM PARTICIPANTS

Assessment of Fair Housing

Collaborating program participants will divide the completion of the AFH. The responsibilities of the Program Participants are as follows:

Program Participant #1

*[Provide a complete description of the responsibilities of the program participant for completing the AFH, e.g., the sections of the AFH for which the program participant will be responsible]*

#### Program Participant #2

Program Participants will be accountable for any applicable analysis and any applicable joint goals and priorities to be included in the submitted AFH. Program Participants will also be accountable for their individual analysis, goals and priorities to be included in the submitted AFH.

#### WITHDRAWAL

*[Program Participants should use this section to include procedures for withdrawal from the collaboration].*

The withdrawing Program Participant must promptly notify HUD of its withdrawal from the collaboration.

#### SPECIAL CONDITIONS

*[This section of the Agreement can be used by the Applicant to include special conditions specific to the particular activity or Partner.]*

#### SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

#### SECTION HEADINGS AND SUBHEADINGS

The section headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Agreement.

#### WAIVER

A Program Participant's failure to act with respect to a breach by another Program Participant does not waive its right to act with respect to subsequent or similar breaches. The failure of the Program Participant to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

#### ENTIRE AGREEMENT

This Agreement between the Program Participants for the submission of the [year] AFH, supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the Program Participants with respect to this Agreement. By way of

signing this agreement, the Program Participants are bound to perform the agreements within this agreement. Any amendment to this agreement must be submitted to HUD.

Date \_\_\_\_\_

IN WITNESS WHEREOF, the Parties have executed this contract as of the date first written above.

[Program Participant #1]

[Program Participant #2]

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Attest \_\_\_\_\_

ASSISTANT [CITY/COUNTY] CLERK

Countersigned: \_\_\_\_\_ By \_\_\_\_\_

FINANCE OFFICER

Title \_\_\_\_\_

\_\_\_\_\_

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Fed. I. D. # \_\_\_\_\_

\_\_\_\_\_

ASSISTANT [CITY/COUNTY] ATTORNEY OR LEGAL COUNSEL