

HUD ANNOUNCES FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING

WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) announced a final rule today to equip communities that receive HUD funding with data and tools to help them meet long-standing fair housing obligations in their use of HUD funds. HUD will also provide additional guidance and technical assistance to facilitate local decision-making on fair housing priorities and goals for affordable housing and community development.

For more than forty years, HUD funding recipients have been obligated by law to reduce barriers to fair housing, so everyone can access affordable, quality housing. Established in the Fair Housing Act of 1968, the law directs HUD and its program participants to promote fair housing and equal opportunity. This obligation was intended to ensure that every person in America has the right to fair housing, regardless of their race, color, national origin, religion, sex, disability or familial status. The final rule aims to provide all HUD program participants with clear guidelines and data they can use to achieve those goals.

“As a former mayor, I know firsthand that strong communities are vital to the well-being and prosperity of families,” said HUD Secretary Julián Castro. “Unfortunately, too many Americans find their dreams limited by where they come from, and a ZIP code should never determine a child’s future. This important step will give local leaders the tools they need to provide all Americans with access to safe, affordable housing in communities that are rich with opportunity.”

HUD’s final rule responds to the recommendations of a 2010 Government Accountability Office report as well as stakeholders and HUD program participants who asked for clearer guidance, more technical assistance, better compliance and more meaningful outcomes. HUD considered and incorporated feedback from the significant public input and comments that it received during the development of this final rule. For example, in response to public feedback, HUD will phase in implementation of the rule so that grantees have substantial time to transition to the new approach. By encouraging a balanced approach that includes targeted investments in revitalizing areas, as well as increased housing choice in areas of opportunity, the rule will enable program participants to promote access to community assets such as quality education, employment, and transportation.

HUD’s rule clarifies and simplifies existing fair housing obligations and creates a streamlined Assessment of Fair Housing planning process, which will help communities analyze challenges to fair housing choice and establish their own goals and priorities to address the fair housing barriers in their community. While the final rule will take effect 30 days after publication, it will not be fully implemented immediately. HUD will provide support to program participants that need to complete an Assessment of Fair Housing to ensure they understand the process and to identify best practices across a diverse group of communities.

To learn more about the Affirmatively Furthering Fair Housing Final Rule visit: www.hud.gov/AFFH.

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HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. More information about HUD and its programs is available on the Internet at www.hud.gov and <http://espanol.hud.gov>.

You can also connect with HUD on [social media](#) and follow Secretary Castro on

HUD Rule on Affirmatively Furthering Fair Housing

The U.S. Department of Housing and Urban Development (HUD) has released a final rule to equip communities that receive HUD funding with the data and tools that will help them to meet long-standing fair housing obligations in their use of HUD funds. HUD will provide publicly open data for grantees to use to assess the state of fair housing within their communities and to set locally-determined priorities and goals. The rule responds to recommendations of the Government Accountability Office and stakeholders for HUD to enhance its fair housing planning obligations by providing greater clarity and support to jurisdictions receiving HUD funding, and facilitating local decision-making on fair housing priorities and goals.

For more than forty years, HUD funding recipients have been obligated by law to reduce barriers to fair housing. Established in the Fair Housing Act of 1968, the law directs HUD and its program participants to affirmatively further the Act's goals of promoting fair housing and equal opportunity. The final rule on affirmatively furthering fair housing (AFFH) aims to provide all HUD grantees with clear guidelines and the data that will help them to achieve those goals, because no child's ZIP code should determine her opportunity to achieve.

HUD's rule clarifies and simplifies existing fair housing obligations for HUD grantees to analyze their fair housing landscape and set locally-determined fair housing priorities and goals through an Assessment of Fair Housing (AFH). To aid communities in this work, HUD will provide open data to grantees and the public on patterns of integration and segregation, racially and ethnically concentrated areas of poverty, disproportionate housing needs, and disparities in access to opportunity. This improved approach provides a better mechanism for HUD grantees to build fair housing goals into their existing community development and housing planning processes. In addition to providing data and maps, HUD will also provide technical assistance to aid grantees as they adopt this approach.

Key features of this final rule include:

- **Clarifying existing fair housing obligations.** Existing patterns of meeting AFFH obligations have been undermined by limited access to data about fair housing conditions and access to opportunity. A Government Accountability Office report from 2010 also cited a lack of clarity, standards, and transparency for communities under the current process. HUD's rule clarifies and standardizes this process.
- **Publicly open data on fair housing and access to opportunity.** HUD will provide publicly open data and mapping tools to aid community members and local leaders in setting local fair housing priorities and goals.
- **A balanced approach to fair housing.** The final rule helps to facilitate communities relying on local knowledge and local decision-making to determine best strategies for meeting their fair housing obligations at the local level – including making place-based investments to revitalize distressed areas, or expanding access to quality affordable housing throughout a community.

- Expanding access to opportunity. The strength of America’s economy, the stability and security of its neighborhoods, and the ability for all to prosper depends on all Americans having equal access to opportunity – no matter what they look like or where they come from. This rule facilitates local decision-making by HUD grantees to expand equal access to opportunity for all Americans.
- Valuing local data and knowledge. HUD is providing grantees with publicly open data to assist with their assessment of fair housing, but grantees will also use local data and knowledge to inform local decision-making, including information obtained through the community participation process.
- Customized tools for local leaders. Recognizing that one size does not fit all grantees, given their differing responsibilities and geographic areas served, HUD will be providing fair housing assessment tools specific to local jurisdictions, public housing authorities (PHAs), and states and Insular Areas.
- Collaboration is encouraged. Many fair housing priorities transcend a grantee’s boundaries. Actions to advance these priorities often involve coordination by multiple jurisdictions. The final rule encourages grantees to collaborate on fair housing assessments to advance regional fair housing priorities and goals.
- Community voice. The rule facilitates community participation in the local process to analyze fair housing conditions and set local priorities and goals.
- A phased-in approach. The final rule provides for additional time for communities to adopt this improved process for setting local fair housing priorities than originally proposed.
- Additional time for small grantees and recent regional collaborations. Local jurisdictions receiving a CDBG grant of \$500,000 or less and qualified PHAs will have more time to submit their first AFH. Grantees that recently submitted a Regional Analysis of Impediments in connection with HUD’s Sustainable Communities competition have additional time to submit their first AFH than originally proposed.

Affirmatively Furthering Fair Housing (AFFH) Final Rule

Overview

Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. This obligation to affirmatively further fair housing has been in the Fair Housing Act since 1968 (for further information see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608 and Executive Order 12892). HUD's final rule provides an effective planning approach to aid program participants in taking meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. As provided in the final rule, AFFH 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."

The Assessment of Fair Housing

HUD's rule clarifies existing fair housing obligations with a streamlined process to analyze the local fair housing landscape and set fair housing priorities and goals through an Assessment of Fair Housing (AFH). The rule identifies four fair housing issues that program participants will assess:

1. Patterns of integration and segregation;
2. Racially and ethnically concentrated areas of poverty;
3. Disparities in access to opportunity; and
4. Disproportionate housing needs.

The AFH process begins with the provision of data, guidance, and an assessment tool that will help program participants identify fair housing issues and related contributing factors in their jurisdiction and region. Program participants are required to set goals to overcome fair housing issues and related contributing factors. Those goals must inform subsequent housing and community development planning processes.

Part	Description
Part One: Provision of Data and AFH Assessment Tool	HUD provides each program participant with data and an AFH assessment tool to use in assessing fair housing issues in its community. In addition, HUD will provide technical assistance to aid program participants in submitting its AFH.
Part Two: Analysis	Using the HUD data, local data and knowledge, the required community participation process, and the assessment tool, each program participant prepares and submits a complete AFH to HUD, including fair housing goals.
Part Three: Review and Response	HUD reviews each AFH within 60 days after receipt to determine whether the program participant has met the requirements for providing its analysis,

assessment, and goal setting. HUD either accepts the AFH or provides the program participant written notification of why the AFH was not accepted and guidance on how the AFH should be revised in order to be accepted. HUD will not accept an AFH if HUD finds that an AFH or a portion of the AFH is inconsistent with fair housing or civil rights requirements or is substantially incomplete.

**Part Four:
Incorporation into
Subsequent Planning
Processes and Action**

The goals identified in the AFH must inform the strategies and actions of the Consolidated Plan, the Annual Action Plan, the PHA Plan, and the Capital Fund Plan.

The AFFH rule is designed to improve community planning in order to overcome fair housing issues. The AFH process will begin with inclusive community participation and will result in the setting of fair housing goals to increase fair housing choice and provide equal access to opportunity for all community members. HUD's program participants will then use the fair housing goals and priorities established in their AFH to inform the investments and other decisions made in their local planning processes.

Until program participants are required to submit an AFH under this final rule, the program participant must continue to conduct an analysis of impediments in accordance with existing HUD regulations.



AFFH FACT SHEET:

THE DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING

WHAT IS THE DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING?

From its inception, the Fair Housing Act (and subsequent laws reaffirming its principles) not only prohibited discrimination in housing related activities and transactions but also imposed a duty to affirmatively further fair housing (AFFH). The AFFH rule sets out a framework for local governments, States and Insular Areas, and public housing agencies (PHAs) to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The rule is designed to help program participants better understand what they are required to do to meet their AFFH duties and enables them to assess fair housing issues in their communities and then to make informed policy decisions.

For purposes of the rule, 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.”

For purposes of the 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.”

WHAT IS THE PROCESS PROGRAM PARTICIPANTS MUST FOLLOW?

Under the AFFH rule, an “Assessment of Fair Housing” (AFH) will replace the current “Analysis of Impediments” (AI) process. The AFH Assessment Tool, which includes instructions and data provided by HUD, consists of a series of questions designed to help program participants identify, among other things, fair housing issues pertaining to patterns of integration and segregation; racially and ethnically concentrated areas of poverty; disparities in access to opportunity; and disproportionate housing needs, as well as the contributing factors for those issues.

- The Assessment Tool is intended to help communities understand and identify local barriers to fair housing choice. The AFH provides an approach that will help program participants more effectively affirmatively further the purposes and policies of the Fair Housing Act.
- HUD will review the AFH within 60 calendar days after the date of submission. An AFH submission is deemed accepted 61 days after submission unless HUD provides notification on or before that it is not accepted. Non-acceptance notifications will explain the reasons for non-acceptance and how a program participant may remedy deficiencies.
- The AFFH rule establishes specific requirements for the incorporation of the AFH into subsequent Consolidated Plans and PHA Plans in a manner that connects housing and community development policy and investment planning with meaningful actions to AFFH.



- The AFFH rule links existing community participation and consultation requirements to the AFH process to ensure program participants give the public opportunities for involvement in the development of the AFH and in its incorporation into the Consolidated Plan and PHA Plan.

AFFH: FAQ for Program Participants

Q: What is an Assessment of Fair Housing (AFH)?

A: The Assessment of Fair Housing refers to the analysis undertaken pursuant to § 5.154 of the Rule in accordance with the requirements for consultation and community participation 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 will replace the current AI process. 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 at least two of which are consolidated plan program participants (regional AFH).

Q: Who must conduct an AFH?

A: Jurisdictions and Insular Areas that are required to submit consolidated plans for the following programs:

- The Community Development Block Grant (CDBG) programs
- The Emergency Solutions Grants (ESG) program
- The HOME Investment Partnerships (HOME) program; and
- The Housing Opportunities for Persons With AIDS (HOPWA) program

Public housing agencies (PHAs) receiving assistance under sections 8 or 9 of the United States Housing Act of 1937.

Q: When does a program participant have to submit their first Assessment of Fair Housing under the Rule?

A: AFHs will not be due immediately upon publication of the final rule. The due date for an AFH is based on each program participant's Consolidated Plan cycle or PHA Plan cycle. HUD is providing additional time for smaller jurisdictions (those that received less than \$500,000 in CDBG funds in FY2015), States, insular areas, and qualified PHAs to begin the new Assessment of Fair Housing process.

- For local governments that received over \$500,000 in CDBG funds in FY2015, the first AFH will be due 270 days prior to the program year that begins on or after January 1, 2017 for which a new consolidated plan is due, as provided in 24 CFR 91.15(b)(2).
- For States, insular areas, and local governments that received less than \$500,000 in CDBG funds in FY2015, and PHAs (other than qualified PHAs) the first AFH will be due 270 days prior to the program year that begins on or after January 1, 2018 for which a new consolidated plan is due, as provided in 24 CFR 91.15(b)(2).
- For PHAs (other than qualified PHAs) the first AFH will be due 270 days prior to the fiscal year that begins on or after January 1, 2018 for which a new 5-year plan is due.
- For qualified PHAs the first AFH will be due 270 days prior to the fiscal year that begins on or after January 1, 2019 for which a new 5-year plan is due.

The timeline below provides examples of deadlines for each type of program participant listed above:

For:

Local Governments that Received More than \$500k in FY2015 CDBG

If the next program year for which a new consolidated plan is due is:	2017				2018			
	Jan. 1st	April 1 st	July 1 st	Oct. 1 st	Jan. 1 st	April 1 st	July 1 st	Oct. 1 st
Your first AFH will be due*	April 6, 2016	July 5, 2016	Oct. 4, 2016	Jan 4, 2017	April 6, 2017	July 5, 2017	Oct. 4, 2017	Jan. 4, 2018

For:

States, Insular Areas

Local Governments that Received Less than \$500k in FY2015 CDBG

Non-qualified PHAs

If the next program year (Con Plan grantees) or fiscal year (PHAs) for which a new consolidated plan or PHA plan is due is:	2018				2019			
	Jan. 1st	April 1st	July 1st	Oct. 1st	Jan. 1st	April 1st	July 1st	Oct. 1st
Your first AFH will be due:*	April 6, 2017	July 5, 2017	Oct. 4, 2017	Jan. 4, 2018	April 6, 2018	July 5, 2018	Oct. 4, 2018	Jan. 4, 2019

For:

Qualified PHAs

If the next fiscal year for which a new 5-year PHA plan is due is:	2019				2020			
	Jan. 1st	April 1st	July 1st	Oct. 1st	Jan. 1st	April 1st	July 1st	Oct. 1st
Your first AFH will be due:*	April 6, 2018	July 5, 2018	Oct. 4, 2018	Jan. 4, 2019	April 6, 2019	July 5, 2019	Oct. 4, 2019	Jan. 4, 2020

* Note that HUD will provide program participants at least 9 months from the publication of a final Assessment Tool to submit an AFH, so these deadlines may be extended as appropriate.

Q: Where is the final AFH Assessment Tool located for the required analysis?

A: HUD is in the process of developing different AFH Assessment Tool Templates for different types of program participants. As made clear by the regulations, no program participant will be required to submit their AFH until at least 9 months after the publication of the Assessment Tool.

HUD published a draft AFH Assessment Tool Template designed for CPD entitlement jurisdictions and collaborations between entitlements and PHAs on September 26, 2014, that is available here [http://www.huduser.org/portal/affht_pt.html#affhassess-tab]. In accordance with the Paperwork Reduction Act, HUD will publish the Assessment Tool for another 30-day comment period, and hopes to publish a final AFH Assessment Tool for program participants this fall.

HUD will separately publish AFH Assessment Tool Templates for State grantees and for PHAs that choose to conduct their own assessments. Each of these publications will be announced in the Federal Register and will undergo a 60-day and subsequent 30-day comment period in accordance with the Paperwork Reduction Act. HUD will continue to update information on the HUD Exchange web page.

Q: As a CPD grantee, why should I do a Regional or Collaborative AFH?

A: CPD grantees are strongly encouraged to work with PHAs and neighboring jurisdictions to conduct and submit an AFH. Not only do many fair housing issues cross jurisdictional boundaries, but all entitlement grantees will be required to conduct a regional analysis whether or not they choose work with regional partners. Working regionally may help program participants ensure that their goals are consistent and collaborative, thereby making their goals more likely to be effective. Furthermore, there may be cost savings and less duplication of effort by working with partners. The rule provides flexibility to encourage such collaborations, including the alignment of planning processes. HUD will provide additional guidance and technical assistance to help program participants form these types of partnerships.

Q: What steps has HUD taken to reduce burden for program participants?

A: The obligation to affirmatively further fair housing is a legal duty, but HUD has made considerable effort to reduce burdens associated with the Assessment of Fair Housing process and will provide additional assistance through the AFH process to help program participants conduct and submit their AFHs. These efforts include:

- HUD has created a model for cooperation where PHAs, CDBG entities, and/or States can work with each other in conducting and submitting an AFH. Participating with another program participant greatly reduces the burden on any one individual program participant and could provide a more robust analysis.
- HUD is delaying implementation and allowing program participants to move their submission dates to align with other submissions, creating flexibility that will reduce burden and timing concerns.

- HUD is providing data for program participants to use in conducting the AFH, thus reducing the need for program participants to obtain that data from third party sources.
- HUD is providing an Assessment Tool that program participants will use in conducting the Assessment of Fair Housing (AFH), which includes instructions that guide program participants through the required analyses, reducing the need for program participants to use third-party consultants.
- HUD will provide guidance, targeted technical assistance, and training to assist program participants in developing their AFH submissions.

Q: As a PHA, how do I fulfill my obligation to conduct the AFH? How do I determine which AFH is applicable for our submission?

A: PHAs may complete an AFH in the following ways:

- PHAs may work with the entity (CDBG Jurisdiction or State Jurisdiction) with whom they certify consistency with the Consolidated Plan (“certifying entity”). This is highly encouraged, as it will reduce the burden of conducting and submitting an AFH.
- PHAs may work with other PHAs to conduct and submit an AFH.
- PHAs may conduct and submit the AFH alone.

Depending on how a PHA chooses to submit, a different AFH Assessment Tool may be required for submission. For example, if a PHA chooses to submit with either its certifying entity or some combination of its certifying entity and other PHAs, it will submit using the AFH Assessment Tool for joint participants. If a PHA chooses to submit with other PHAs or alone, it will submit a PHA-only AFH Assessment Tool. Each of these templates will be developed and published for notice and comment in accordance with the Paperwork Reduction Act, allowing for public feedback on the Assessment Tools.

Q: Is HUD abandoning community revitalization and emphasizing disinvestment in areas of a community where residents are exposed to segregation or racially or ethnically concentrated areas of poverty?

A: HUD strongly encourages community revitalization in all communities where segregation or racially/ethnically concentrated areas of poverty exist. AFFH promotes a balanced approach where both place-based solutions; such as targeted investment or community revitalization in racially concentrated areas of poverty, and mobility solutions; such as expanding mobility for protected classes to areas with better access to jobs, transportation and education, may be appropriate.

AFFH is not about excluding investment in areas where segregation may be present or in racially or ethnically concentrated areas of poverty, nor does AFFH mandate that CPD entitlement jurisdictions or PHAs change the siting of fixed assets that lie in segregated areas and/or racially or ethnically concentrated areas of poverty. AFFH provides a method for CPD entitlement jurisdictions and PHAs to analyze the effects of siting and develop goals to address fair housing issues that arise from those patterns. Goals relating to siting, for example, may include providing residents of those sites with better access to areas of opportunity, or engaging in targeted investment to improve the surrounding neighborhoods.

Assessment of Fair Housing Tool

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I. Cover Sheet

1. Submission date:
2. Submitter name:
3. Type of submission (*e.g.*, single program participant, joint submission):
4. Type of program participant(s) (*e.g.*, consolidated plan participant, PHA):
5. For PHAs, Jurisdiction in which the program participant is located:
6. Submitter members (if applicable):
7. Sole or lead submitter contact information:
 - a. Name:
 - b. Title:
 - c. Department:
 - d. Street address:
 - e. City:
 - f. State:
 - g. Zip code:
8. Period covered by this assessment:
9. Initial, amended, or renewal AFH:
10. To the best of its knowledge and belief, the statements and information contained herein are true, accurate, and complete and the program participant has developed this AFH in compliance with the requirements of 24 C.F.R. §§ 5.150-5.180 or comparable replacement regulations of the Department of Housing and Urban Development;
11. The program participant will take meaningful actions to further the goals identified in its AFH conducted in accordance with the requirements in §§ 5.150 through 5.180 and 24 C.F.R. §§ 91.225(a)(1), 91.325(a)(1), 91.425(a)(1), 570.487(b)(1), 570.601, 903.7(o), and 903.15(d), as applicable.

All Joint and Regional Participants are bound by the certification, except that some of the analysis, goals or priorities included in the AFH may only apply to an individual program participant as expressly stated in the AFH.

(Signature) (date)

(Signature) (date)

(Signature) (date)

12. Departmental acceptance or non-acceptance:

(Signature) (date)

Comments

II. Executive Summary

1. Summarize the fair housing issues, significant contributing factors, and goals. Also include an overview of the process and analysis used to reach the goals.

III. Community Participation Process

1. 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.
2. Provide a list of organizations consulted during the community participation process.
3. How successful were the efforts at eliciting meaningful community participation? If there was low participation, provide the reasons.
4. Summarize all comments obtained in the community participation process. Include a summary of any comments or views not accepted and the reasons why.

IV. Assessment of Past Goals, Actions and Strategies

1. Indicate what fair housing goals were selected by program participant(s) in recent Analyses of Impediments, Assessments of Fair Housing, or other relevant planning documents:
 - a. Discuss what progress has been made toward their achievement;
 - b. Discuss how you have been successful in achieving past goals, and/or how you have fallen short of achieving those goals (including potentially harmful unintended consequences); and
 - c. Discuss any additional policies, actions, or steps that you could take to achieve past goals, or mitigate the problems you have experienced.
 - d. Discuss how the experience of program participant(s) with past goals has influenced the selection of current goals.

V. Fair Housing Analysis

A. Demographic Summary

1. Describe demographic patterns in the jurisdiction and region, and describe trends over time (since 1990).
2. Describe the location of homeowners and renters in the jurisdiction and region, and describe trends over time.

B. General Issues

i. Segregation/Integration

1. Analysis

- a. Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.
- b. Explain how these segregation levels have changed over time (since 1990).
- c. 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.
- d. Consider and describe the location of owner and renter occupied housing in determining whether such housing is located in segregated or integrated areas.
- e. Discuss how patterns of segregation have changed over time (since 1990).
- f. Discuss whether there are any demographic trends, policies, or practices that could lead to higher segregation in the jurisdiction in the future.

2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about segregation in the jurisdiction and region affecting groups with other protected characteristics.
- b. The program participant may also describe other information relevant to its assessment of segregation, including activities such as place-based investments and mobility options for protected class groups.

3. Contributing Factors of Segregation

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of segregation.

- 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

ii. **R/ECAPs**

1. Analysis

- a. Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction.
- b. Which protected classes disproportionately reside in R/ECAPs compared to the jurisdiction and region?
- c. Describe how R/ECAPs have changed over time (since 1990).

2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about R/ECAPs in the jurisdiction and region affecting groups with other protected characteristics.
- b. The program participant may also describe other information relevant to its assessment of R/ECAPs, including activities such as place-based investments and mobility options for protected class groups.

3. Contributing Factors of R/ECAPs

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of R/ECAPs.

- 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

iii. **Disparities in Access to Opportunity**

1. Analysis

a. Educational Opportunities

- i. Describe any disparities in access to proficient schools based on race/ethnicity, national origin, and family status.

- ii. Describe the relationship between the residency patterns of racial/ethnic, national origin, and family status groups and their proximity to proficient schools.
- iii. 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?

b. Employment Opportunities

- i. Describe any disparities in access to jobs and labor markets by protected class groups.
- ii. How does a person's place of residence affect their ability to obtain a job?
- iii. Which racial/ethnic, national origin, or family status groups are least successful in accessing employment?

c. Transportation Opportunities

- i. Describe any disparities in access to transportation based on place of residence, cost, or other transportation related factors.
- ii. 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?
- iii. Describe 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.

d. Low Poverty Exposure Opportunities

- i. Describe any disparities in exposure to poverty by protected class groups.
- ii. What role does a person's place of residence play in their exposure to poverty?
- iii. Which racial/ethnic, national origin or family status groups are most affected by these poverty indicators?
- iv. Describe how the jurisdiction's and region's policies affect the ability of protected class groups to access low poverty areas.

e. Environmentally Healthy Neighborhood Opportunities

- i. Describe any disparities in access to environmentally healthy neighborhoods by protected class groups.
- ii. Which racial/ethnic, national origin or family status groups have the least access to environmentally healthy neighborhoods?

f. Patterns in Disparities in Access to Opportunity

- i. 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.

2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disparities in access to opportunity in the jurisdiction and region affecting groups with other protected characteristics.
- b. The program participant may also describe other information relevant to its assessment 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).

3. Contributing Factors of Disparities in Access to Opportunity

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disparities in access to opportunity.

- 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

iv. Disproportionate Housing Needs

1. Analysis

- a. Which groups (by race/ethnicity and family status) experience higher rates of housing cost burden, overcrowding, or substandard housing when compared to other groups? Which groups also experience higher rates of severe housing burdens when compared to other groups?

- b. Which areas in the jurisdiction and region experience the greatest housing burdens? 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?
- c. Compare 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.
- d. Describe the differences in rates of renter and owner occupied housing by race/ethnicity in the jurisdiction and region.

2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the jurisdiction and region affecting groups with other protected characteristics.
- b. The program participant may also describe other information relevant to its assessment of disproportionate housing needs. For PHAs, such information may include a PHA's overriding housing needs analysis.

3. Contributing Factors of Disproportionate Housing Needs

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disproportionate housing needs.

- 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

C. Publicly Supported Housing Analysis

1. Analysis

a. Publicly Supported Housing Demographics

- i. 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))?
- ii. 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.

b. Publicly Supported Housing Location and Occupancy

- i. 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.
- ii. 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?
- iii. 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?
- iv. (A) 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.

(B) Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing.
- v. 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.

c. Disparities in Access to Opportunity

- i. 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.

2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, 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.
- b. The program participant may also describe other information relevant to its assessment of publicly supported housing. Information may include relevant programs, actions, or

activities, such as tenant self-sufficiency, place-based investments, or mobility programs.

3. Contributing Factors-of Publicly Supported Housing Location and Occupancy

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to publicly supported housing, including Segregation, RECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.

- 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

D. Disability and Access Analysis

1. Population Profile

- a. 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?
- b. Describe whether these geographic patterns vary for persons with each type of disability or for persons with disabilities in different age ranges.

2. Housing Accessibility

- a. Describe whether the jurisdiction and region have sufficient affordable, accessible housing in a range of unit sizes.
- b. Describe the areas where affordable accessible housing units are located. Do they align with R/ECAPs or other areas that are segregated?
- c. To what extent are persons with different disabilities able to access and live in the different categories of publicly supported housing?

3. Integration of Persons with Disabilities Living in Institutions and Other Segregated Settings

- a. To what extent do persons with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?
- b. Describe the range of options for persons with disabilities to access affordable housing and supportive services.

4. Disparities in Access to Opportunity

- a. 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
- b. 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.
- c. Describe any difficulties in achieving homeownership experienced by persons with disabilities and by persons with different types of disabilities.

5. Disproportionate Housing Needs

- a. Describe any disproportionate housing needs experienced by persons with disabilities and by persons with certain types of disabilities.

6. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disability and access issues in the jurisdiction and region affecting groups with other protected characteristics.
- b. The program participant may also describe other information relevant to its assessment of disability and access issues.

7. Disability and Access Issues Contributing Factors

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disability and access issues and the fair housing issues, which are Segregation, RECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each

contributing factor, note which fair housing issue(s) the selected contributing factor relates to.

- 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

E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis

1. 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.
2. Describe any state or local fair housing laws. What characteristics are protected under each law?
3. 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.
4. **Additional Information**
 - a. Provide additional relevant information, if any, about fair housing enforcement, outreach capacity, and resources in the jurisdiction and region.
 - b. The program participant may also include information relevant to programs, actions, or activities to promote fair housing outcomes and capacity.

5. Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing enforcement, outreach capacity, and resources and the fair housing issues, which are Segregation, RECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each significant contributing factor, note which fair housing issue(s) the selected contributing factor impacts.

- 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

VI. Fair Housing Goals and Priorities

1. For each fair housing issue, prioritize the identified contributing factors. Justify the prioritization of the contributing factors that will be addressed by the goals set below in Question 2. 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.
2. For each fair housing issue with significant contributing factors identified in Question 1, set one or more goals. Explain 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, explain how the goal will overcome each issue and the related contributing factors. For each goal, identify metrics and milestones for determining what fair housing results will be achieved, and indicate the timeframe for achievement.

<u>Goal</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant(s)</u>
Discussion:				

Assessment of Fair Housing (AFH) Instructions

Introduction

Program participants conducting an assessment of fair housing as required under the affirmatively furthering fair housing rule, published at 80 FR 42272, are required to complete and submit an Assessment Tool. For regulatory requirements of the AFFH rule and the AFH, see 24 C.F.R. §§ 5.150-5.180.

This Assessment Tool, including these instructions, will be used by local governments that receive Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG), or Housing for Persons with AIDS (HOPWA) formula funding from HUD when conducting and submitting their own Assessment of Fair Housing (AFH). The Assessment Tool will also be used for AFHs conducted by joint and regional collaborations between: (1) local governments; (2) one or more local governments with one or more public housing agency (PHA) partners; and (3) other collaborations in which a local government (described above) is designated as the lead entity for the collaboration. A joint or regional AFH does not relieve such 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 set priorities and goals for its geographic area. Program participants that conduct and submit either a joint or regional AFH must provide HUD with a copy of their written agreement prior to submitting the AFH. Please see the following chart identifying which program participants will use this Assessment Tool, and the program participants that will use a different Assessment Tool.

Who must use this Assessment Tool	Who will use a different Assessment Tool
<ol style="list-style-type: none"> 1. Local governments (that receive CDBG, HOME, ESG or HOPWA funds) submitting an AFH alone. 2. Joint or Regional Collaborations between: <ol style="list-style-type: none"> a. Only local governments b. One or more local governments with one or more PHAs c. Other collaborations in which a local government is designated as the lead entity 	<ol style="list-style-type: none"> 1. States and Insular Areas submitting alone 2. Joint or regional collaborations (with local governments and/or PHAs) where the State is designated as the lead entity 3. PHAs submitting alone 4. Joint collaborations among only PHAs

All program participants must use the HUD-provided data, which includes data for the jurisdiction and region, to complete the AFH. A joint or regional AFH must reference the HUD-provided data for each program participant’s jurisdiction and region. The Assessment Tool and HUD-provided data will be used by various types of program participants (e.g. those in urban areas, rural areas, suburban areas, majority-minority communities), which may have unique characteristics, issues and challenges. The HUD-provided data will help program participants assess local and regional

fair housing issues and contributing factors and set priorities and goals to overcome them. However, certain HUD-provided data may have limitations, including limitations in how they apply to geographic areas with different characteristics (e.g., rural versus urban, majority 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.

HUD is only able to provide data for those protected class groups 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 may provide information to supplement the analysis for protected classes not covered by the HUD-provided data. Local data and local knowledge can be particularly helpful when program participants have 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 would be relevant to program participants' analyses.

Although HUD will provide nationally available data to program participants, the regulations recognize the value of local data and knowledge. Local data is defined in the Final Rule at 24 C.F.R. § 5.152, and refers to metrics, statistics, and other quantified information, subject to a determination of statistical validity by HUD, that are relevant to program participants' geographic areas of analyses, 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. Examples of local data include relevant demographic data or program-related data maintained by program participants, another public agency, or another entity that are readily available and easily accessible to program participants at little or no cost.

Local knowledge is defined in the Final Rule at 24 C.F.R. § 5.152, and means information to be provided by program participants that relates to program participants' geographic areas of analyses and that is relevant to program participants' AFH, is known or becomes known to program participants, and is necessary for the completion of the AFH using the Assessment Tool. Examples of local knowledge include laws and policies, common neighborhood names and borders, and information about the housing market and housing stock. HUD does not expect program participants to review every possible source to search out local knowledge. However, local knowledge includes information obtained through the community participation process. Program participants are required to consider the information received during the community participation process as they conduct an AFH using the Assessment Tool.

Program 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.

Program participants must 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. Note that, subject to the community participation, consultation and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158, program participants are required to consider information relevant to the jurisdiction or region submitted during the community participation process, including recommendations of other data sources for program participants to assess.

In conducting the analysis, program participant must identify significant contributing factors reach section of the analysis. When identifying contributing factors, each section of the analysis contains

a discrete list of suggested factors for consideration, which includes factors commonly associated with that section of the analysis. The list contains an “other” option, for program participants to use in identifying other significant contributing factors not included in the list. A more exhaustive list of possible contributing factors is contained in Appendix C, which also includes a description of each contributing factor. Program participants are permitted to include contributing factors that are not listed in Appendix C.

A contributing factor may be outside the ability of program participants to directly control or influence; however, such factors must be identified if they are significant. For program participants submitting jointly, each program participant is responsible for identifying contributing factors within its jurisdiction. These factors will be prioritized in Section VI and used as a basis for establishing goals.

The Assessment Tool also contains the required analysis of fair housing issues and contributing factors that program participants must undertake in order for an AFH to meet the requirements set forth in 24 C.F.R. §§ 5.150 through 5.180. The content required in the AFH can be found at 24 C.F.R. § 5.154 and is outlined in the applicable Assessment Tool for each program participant. However, please note that different program participants may work through the Assessment of Fair Housing in different ways. Depending on each program participants’ familiarity with fair housing planning and 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, 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 complete the AFH in any order they choose, so long as all requirements are met.

Part I: Cover Sheet with Certification

Complete the cover sheet with all requested information. The official authorized representative of each program participant must sign and date the certification.

Part II: Executive Summary

To complete the Executive Summary, refer to fair housing contributing factors, issues and goals identified in parts IV and V of the Assessment Tool, as well as goals identified in the most recent previous Analyses of Impediments to Fair Housing Choice or Assessments of Fair Housing. There is no prescribed format for the Executive Summary—program participant(s) have discretion in this section as to how to summarize their findings in the AFH.

Part III: Community Participation Process

Complete all three questions based on the community participation, consultation and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158. Program participants should employ communications means designed to reach the broadest possible audience. Such communications 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 program participants’ official government Web sites, and as well at libraries, government offices, and public places.

Please note that for public housing agencies, community participation requirements are described in 24 C.F.R. §§ 903.13, 903.15, 903.17, and 903.19. For consolidated plan program participants, Citizen Participation requirements are described in 24 C.F.R. part 91. As required by applicable regulations, program participants must ensure meetings are held in physically accessible locations, provide appropriate auxiliary aids and services necessary to ensure effective communication with individuals with disabilities, and provide limited English proficient persons meaningful access to programs and services.

For question (1), provide a summary of the outreach activities undertaken. For PHAs, also include any meetings with the Resident Advisory Board.

For question (2), provide a list of any organizations consulted during the community participation process. For consolidated plan program participants, 24 C.F.R. § 5.158(a)(1), states that consolidated plan program participants must follow the policies and procedures described in 24 C.F.R. part 91 (see 24 C.F.R. §§ 91.100, 91.105, 91.110, 91.115, 91.235, and 91.401). For PHAs, 24 C.F.R. § 5.158(a)(2) states that PHAs must follow policies and procedures described in 24 C.F.R. part 903.

For question (3), describe how successful the community participation process was, and provide an explanation for any low participation rates.

In question (4), pursuant to 24 C.F.R. § 5.154(d)(6), program participants must include an explanation for why any comments or views submitted through the community participation process were not accepted – note that this includes information, such as supplemental data and reports.

Part IV: Assessment of Past Goals, Actions, and Strategies

For question (1)(a), provide an explanation of what past goals program participants selected and what progress has been made toward their achievement. Use the metrics and milestones identified in past Analyses of Impediments or past Assessments of Fair Housing in assessing progress. New program participants may still answer this question based on any other relevant planning documents and/or any past fair housing goals, actions, or strategies.

To answer question (1)(b), explain how the past goals selected influenced the selection of current goals.

For question (1)(c), program participants may provide any additional information about policies, actions, or steps that address fair housing issues in program participants' geographic areas of analyses.

Part V: Fair Housing Analysis

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 (described above). HUD-provided maps are located in Appendix A and HUD-provided tables are located in Appendix B.

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.

A. Demographic Summary

For question (1), refer to Tables 1 and 2, which present demographic summary data for the jurisdiction and region. The demographics analyzed must include an overview of: racial/ethnic populations; national origin populations, including any limited English proficient populations; individuals with disabilities by disability type; and families with children.

For question (2), local data and local knowledge may be particularly useful in answering this question. Include any geographic patterns in the location of owner-occupied properties compared to renter-occupied properties over time. Program participants may also describe trends in the availability of affordable housing in the jurisdiction and region for that time period.

B. Fair Housing Issue Analysis

Segregation/Integration

For questions (1)(a) and (1)(b), refer to Table 3. Table 3 presents the dissimilarity index for the jurisdiction and region for white/non-white, black/white, Hispanic/white, and Asian/white populations for multiple census years.

This dissimilarity index measures the degree to which two groups are evenly distributed across a geographic area and is commonly used for assessing residential segregation between two groups. Values range from 0 to 100, where higher numbers indicate a higher degree of segregation among the two groups measured.

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. 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 numbers, 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 demographic groups. For question 1(a) indicate whether the measures shown generally indicate that segregation in the jurisdiction and region is low, moderate or high for each racial/ethnic group represented in Table 3, and note which groups experience the highest levels of segregation.

For question 1(b), refer to Table 3, which also provides dissimilarity index values for 1990, 2000, and 2010. Note whether the dissimilarity index values have increased or decreased over time. Increasing values may indicate increasing segregation, and decreasing values may indicate decreasing segregation.

For question (1)(c), refer to Maps 1, 2, 3. Maps 1, 2, 3 are dot density maps showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the jurisdiction and region. A dot density map (also known as dot distribution map) uses a color-coded dot symbols representing the presence of a specified number of individuals sharing a particular characteristic to show a spatial pattern. The presence of residential segregation may appear as clusters of a single color of dots representing one protected class, or as clusters of more than one color of dots representing a number of protected classes but still excluding one or more protected classes. More integrated areas will appear as a variety of colored dots.

While dot density maps are useful in demonstrating residential patterns, they also have limitations. Dot placement does not represent actual addresses – rather individual dots are randomly located within a particular census block to match aggregate population totals for that block group. Note also that the data provided for national origin is based on census data for the 5 most populous “foreign born” populations by country of origin, however, some jurisdictions may have other significant populations not included in the HUD-provided data but reflected in local data or local knowledge. In addition, the “foreign born” population does not track exactly with the definition of national origin under the Fair Housing Act, which includes place of birth as well as place of ancestor’s birth. LEP data shows residential segregation by language for speakers of the five most populous limited English proficient groups in the jurisdiction and region. Again, some jurisdictions may have other significant populations not included in the HUD-provided data but reflected in local data or local knowledge.

For question (1)(c), refer to Maps 1, 2, 3 to identify areas on the map that reveal clusters of race/ethnicity, national origin, or LEP groups, and areas where the map indicates are particularly integrated. In identifying those areas, and all areas throughout the tool, use commonly used neighborhood or area names.

For question (1)(d), local data and local knowledge may be particularly useful in answering this question.

For question (1)(e) refer to Maps 1, 2, 3, and Tables 1 and 2. Map 2 depicts racial/ethnic dot density distribution for previous years (1990 and 2000). A comparison of the patterns shown in Map 2 to the patterns shown in Map 1 may reveal changes in patterns of segregation by race/ethnicity over time. For instance, the comparison may show that an area previously occupied predominantly by one racial/ethnic group is now more integrated. Consider these changes in conjunction with Tables 1 and 2 showing changes in overall demographics over time, as well as local knowledge about local policies, practices, trends, and investments to answer question 1(e). Consider also Maps 3 and 4, which depict dot density distribution of national origin and LEP populations.

For question (1)(f), local data and local knowledge may be particularly useful in answering this question.

Understanding the limitations of the HUD-provided data discussed in the introduction to these instructions, using local data and knowledge, complete question (2)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity and national origin. Include any relevant information about other protected characteristics – but note that the analysis of disability is specifically considered in Section V(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of segregation 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 increasing integration.

For question (3), identify all significant contributing factors. Consider the non-exhaustive list of factors provided and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of segregation. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

R/ECAPs

For question (1)(a), refer to Maps 1, 3 and 4, which include outlined census tracts that meet the threshold criteria for racially or ethnically concentrated areas of poverty (R/ECAPs). The area within the outline meets the definition of an R/ECAP, as set forth in the rule at 24 C.F.R. § 5.152.

To answer question (1)(b), use Maps 1, 3, and 4 and Table 4. Maps 1, 3, and 4 are dot density maps showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the jurisdiction and region. These maps also include outlined overlays of R/ECAPs. The presence of residential segregation in R/ECAPs may appear as clusters of a single color of dots representing one protected class, or as clusters of more than one color of dots representing a number of protected classes but still excluding one or more protected classes. More integrated areas will appear as a variety of colored dots. Table 4 shows the percentage of persons living in R/ECAPs with certain protected characteristics (race/ethnicity, families with children, national origin) in the jurisdiction and the region. Note that the percentages reflect the proportion of the total population living in R/ECAPs that has a protected characteristic, not the proportion of individuals with a particular protected characteristic living in R/ECAPs. Table 4 can be compared to Table 1, which shows the total population in the jurisdiction and region for each of the groups shown in Table 4.

To answer question (1)(c), refer to Maps 1, 2, 3. Map 1 shows the outlines of current R/ECAPs. Map 2 shows the outlines of R/ECAPs in past years (1990 and 2000). Compare the current R/ECAP outlines with previous R/ECAP outlines and describe whether R/ECAPs have remained constant, whether new R/ECAPs have emerged, or whether certain R/ECAPs no longer exist. Maps 1, 2, and 3 also show dot density distributions by race/ethnicity, national origin and LEP, including R/ECAP outlines. Note whether the maps show any changes in areas that have moved in or out of R/ECAP status over time and the groups most affected by R/ECAPs.

Understanding the limitations of the HUD-provided data discussed in the instruction's introduction, using local data and knowledge, complete question (2)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity and national origin. Include any relevant information about other protected characteristics, but note that the analysis of disability is specifically considered in Section V(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V.(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of R/ECAPs 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 transforming R/ECAPs by addressing the combined effects of segregation and poverty. Relevant information may also include local assets and organizations.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with R/ECAPs, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of R/ECAPs. For additional instructions on selecting contributing factors, refer to the introduction of these instructions

Disparities in Access to Opportunity

For question (1), refer to Table 12. Table 12 provides index scores or values for the following opportunity indicator indices: Low Poverty; School Proficiency; Labor Market Engagement; Jobs Proximity; Low Transportation Costs; Transit Trips Index; and Environmental Health by race/ethnicity and households below the poverty line. A higher score on each of the indices would indicate: lower neighborhood poverty rates; higher levels of school proficiency; higher levels of labor engagement; closer proximity to jobs; lower transportation costs; closer access to public transportation; and greater neighborhood environmental quality (i.e., lower exposure rates to harmful toxins). Using the indices provided, program participants will be able to compare access to key opportunity assets with relative ease by consulting a single table and a series of maps. These indices are based on nationally available data sources. Local data and local knowledge may be particularly helpful in connection with these analyses

For the questions in (1)(a), use the School Proficiency Index in Table 12 and refer to Map 9. The School Proficiency Index measures the proficiency of elementary schools in the attendance area (where this information is available) of individuals sharing a protected characteristic or the proficiency of elementary schools within 1.5 miles of individuals with a protected characteristic where attendance boundary data are not available. The values for the School Proficiency Index are determined by the performance of 4th grade students on state exams. Map 9 consists of three sub-maps, showing the spatial distribution of racial/ethnic and national origin groups and families with children overlaid by shading that shows school proficiency levels for the jurisdiction and the region. The maps also include R/ECAP outlines. To answer questions (1)(a)(i), examine the School Proficiency Index, by race/ethnicity, and Map 9, by race/ethnicity, national origin, and family status, to identify differences in access to proficient schools by protected characteristic. For question (1)(a)(ii), refer to Map 9 by race/ethnicity, national origin, and family status to assess how residency patterns relate to the location of proficient schools. Note that, to the extent the questions require consideration of middle and high schools, local policies and practices, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant. Question (1)(a)(iii), may be answered using local data or local knowledge. Program participants should consider whether local school policies provide for alternative means of access to schools that are not reflected in the HUD-provided data.

For the questions (1)(b), refer to the Jobs Proximity Index and Labor Market Engagement Index in Table 12, and to Maps 10 and 11. The Jobs Proximity Index measures the physical distances between place of residence and jobs by race/ethnicity. The Labor Market Engagement Index provides a measure of unemployment rate, labor-force participation rate, and percent of the population ages 25 and above with at least a bachelor's degree, by neighborhood. Map 10 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that shows the jobs proximity measure for the jurisdiction and the region. The map also includes R/ECAP outlines. Map 11 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that shows labor engagement for the jurisdiction and the region. The map also includes R/ECAP outlines. To answer questions (1)(b)(i)-(iii), examine the indices' values by race/ethnicity, and Maps 10 and 11, by race/ethnicity, national origin, and family status, to identify differences in proximity to jobs and labor market engagement by protected characteristic.

For the questions in (1)(c), refer to Table 12 (Low Transportation Cost Index¹ and the Transit Trips Index) and Maps 12 and 13. The Low Transportation Cost Index measures cost of transport and proximity to public transportation by neighborhood. The Transit Trips Index measures how often low-income families in a neighborhood use public transportation. Map 12 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that shows transportation access at the neighborhood level. Separate maps are included for the jurisdiction and the region. These maps also include R/ECAP outlines. Map 13 shows residency patterns of racial/ethnic, national origin, and families with children overlaid by shading that shows low transportation costs at the census tract level. Separate maps are included for the jurisdiction and region. To answer questions (1)(c)(i) and (ii), examine the Low Transportation Cost Index and Transit Trips Index values in Table 12, by race/ethnicity, and Maps 12 and 13, by race/ethnicity, national origin, and family status, to identify differences in access to transportation by protected characteristic. For question (1)(c)(iii), program participants should consider whether transportation-related local programs, policies, and practices affect a person's access to proficient school, jobs, and other areas with opportunities. In answering this question, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant. Program participants should consider whether transportation systems designed for use of personal vehicles impact the ability of protected class groups' access to transportation due to the lack of vehicle ownership.

For question (1)(d), refer to the Low Poverty Index in Table 12 and Map 14. The Low Poverty Index uses rates of family poverty by household (based on the federal poverty line) to measure exposure to poverty by neighborhood. A higher score generally indicates less exposure to poverty at the neighborhood level. Map 14 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that depicts poverty levels for the jurisdiction and the region. The map also includes R/ECAP outlines. To answer questions (1)(d)(i)-(iii), examine the Low Poverty Index values, by race/ethnicity, and Map 14, by race/ethnicity, national origin, and family status, to identify differences in poverty by protected characteristic. For question (1)(d)(iv), to the extent local policies and practices are discussed, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant.

For question (1)(e)(i) and (ii), refer to the Environmental Health Index in Table 12 and Map 15. The Environmental Health Index measures exposure based on EPA estimates of air quality carcinogenic, respiratory and neurological toxins by neighborhood. Map 15 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading showing the level of exposure to environmental health hazards for the jurisdiction and the region. The map also includes R/ECAP outlines. To answer the questions, examine the Environmental Health Index values, by race/ethnicity, and Map 15, by race/ethnicity, national origin, and family status, to identify differences in exposure to environmental health hazards by protected characteristic. While the Environment Health Index is limited to issues related to air quality, program participants may also discuss other indicators of environmental health, based on local data and local knowledge. Environmental-related policies may include the siting of highways, industrial plants, or waste sites.

For question (1)(f)(i), refer to the answers provided in question (1)(a)-(e).

Understanding the limitations of the HUD-provided data discussed in the introduction to the instructions, using local data and knowledge, complete question (2)(a). The Fair Housing Act

¹ Please note there is no corresponding map for the Low Transportation Cost Index. HUD anticipates a map may be provided in later releases of the Data Tool.

protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, and family status. Include any relevant information about other protected characteristics, but note that the analysis of disability is specifically considered in Section V(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of disparities in access to opportunity 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 increasing access to opportunity.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with disparities in access to opportunity, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of disparities in access to opportunity. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

Disproportionate Housing Needs

For question (1)(a), refer to Tables 9 and 10. Table 9 shows the percentage of race/ethnicity groups and families with children experiencing two potential categories of housing need. The first category is households experiencing one of four housing problems: housing cost burden (defined as paying more than 30% of income for monthly housing costs including utilities), overcrowding, lacking a complete kitchen, or lacking plumbing. The second category is households experiencing “one of four severe housing problems” which are: severe housing cost burden (defined as paying more than half of one’s income for monthly housing costs including utilities), overcrowding, and lacking a complete kitchen, or lacking plumbing. Table 10 shows the number of persons by race/ethnicity and family size experiencing severe housing cost burden.

For question (1)(b), refer to Maps 7 and 8. Map 7 shows the residential living patterns for persons by race/ethnicity, overlaid by shading indicating the percentage of households experiencing one or more housing problems. Darker shading indicates a higher prevalence of such problems. The map also includes R/ECAP outlines. Map 8 shows the same information overlaid on residential living patterns by national origin.

For question (1)(c), refer to Tables 9 and 11. Table 9 shows housing needs experienced by families with 5 or more persons (used to approximate the population of families with children). Table 11 shows the number of households occupying units of various sizes (0-1 bedrooms, 2 bedrooms, 3 or more bedrooms) in four publicly supported housing program categories (public housing, Project-based Section 8, Other HUD Multifamily, and HCV). Table 11 shows the number of households with children currently residing in each of those four program categories.

For question (1)(d), local data and local knowledge may be particularly useful in answering this question.

Understanding the limitations of the HUD-provided data discussed in the introduction to the instruction, using local data and knowledge, complete question (2). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a

disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, and family status. Include any relevant information about other protected characteristics, but note that the analysis of disability is specifically considered in Section V(D). Program participants may include any relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of disproportionate housing needs 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.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with disproportionate housing needs, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of disproportionate housing needs. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

C. Publicly Supported Housing² Analysis

Data on publicly supported housing is grouped into five program categories: public housing; project-based Section 8; Section 8 tenant-based Housing Choice Vouchers (HCV); Other HUD Multifamily housing (including Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities); and Low-Income Housing Tax Credit (LIHTC) housing. Relevant information may also include housing converted through the Rental Assistance Demonstration (RAD), which may be analyzed as part of Housing Choice Vouchers. HUD has included RAD as a separate category for two specific questions in this section for policy reasons. Some tables and maps provided include information on some of the program categories but not others based on availability of the data. Where a housing development includes more than one category of publicly supported housing, this development is reported in data for each housing category (e.g., project-based Section 8 combined with LIHTC). Note that other publicly supported housing programs, for instance those funded through state and local programs or by other federal agencies, such as USDA's Rural Housing Service and the Veteran's Administration, or other HUD programs that are not covered in the HUD-provided data may be relevant to the analysis.

Data related to public housing may be affected by asset management project (AMP) groupings.³ For instance, where public housing agencies report data for developments located at different sites

² The term "publicly supported housing" refers to housing assisted, subsidized, or financed 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. HUD is currently providing data on five specific categories of housing: Public Housing; Project-Based Section 8; "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; and 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 USDA and VA, or other HUD-funded housing not captured in the five categories listed above.

³ The Operating Fund Program final rule, published on September 19, 2005, required PHAs to convert to asset management. In practice, this allowed PHAs to group buildings under asset management. All of the

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 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.

For questions (1)(a)(i) and (ii), refer to Tables 6 and 7. Tables 6 and 7 present data by race/ethnicity for persons occupying four categories of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily, and HCV) in the jurisdiction. The tables also provide race/ethnicity data for the total population in the jurisdiction and for persons meeting the income eligibility requirements for a relevant category of publicly supported housing. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

For questions (1)(b)(i) and (ii) refer to Maps 5 and 6, which are race/ethnicity dot density maps with a publicly supported housing overlay, including outlines of R/ECAPS. In Map 5, symbols representing four categories of publicly supported housing indicate the location of a development of that category of housing. Note that some developments may represent multiple buildings or projects that are not necessarily located at the same address the symbol represents. In Map 6, the density of use of Section 8 vouchers is layered over a race/ethnicity dot density map. Darker shading represents a heavier concentration of vouchers. Map 5 does not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations are often affected differently by laws, policies and practices, resulting in significantly different siting patterns. Local knowledge may be particularly useful in answering this portion of the question.

For question (1)(b)(iii), use Table 7, which shows the percentage of occupants in four publicly supported housing program categories (public housing, project-based Section 8, Other HUD Multifamily, and HCV) in units located either within R/ECAPS or outside of R/ECAPS. The table also breaks out this information by race/ethnicity, elderly and disability status. To answer the question, compare the percentage of occupants sharing a protected characteristic living in units located in R/ECAPS to the percentage of occupants sharing the same protected characteristic living in units outside of R/ECAPS. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

For question (1)(b)(iv)(A), refer to both the HUD-provided data and local data and local knowledge. Table 8 shows the racial/ethnic composition and percentage of households with children occupying public housing. Local data and local knowledge may be informative for both properties converted under RAD and for LIHTC developments.

Compare the demographic occupancy data of developments to other developments of the same category. In analyzing Table 8, be aware that the demographic occupancy information is affected by the size of the development – smaller developments may appear to have greater variance, but

AMP groupings are reported as one unit and tied together through the assignment of the same project number.

note that in small developments, a difference of a few units may alter the overall percentage of the occupancy demographic composition.

For question (1)(b)(iv)(B), Table 8 is provided for program participants' use, however local data and local knowledge, including information obtained through the community participation process, may be particularly useful in answering this portion of the question.

For question (1)(b)(v), refer to Table 8 and Map 5. Table 8 includes development-level demographic characteristics of residents of three program categories (public housing, project-based Section 8, and Other HUD Multifamily). Map 5 shows the location of individual developments for four program categories (public housing, project-based Section 8, Other HUD Multifamily, and LIHTC). Note that census tract boundaries may not align with "neighborhoods" or "areas" as commonly understood at the local level, and local knowledge may be useful to assist in the comparison.

Please note that HUD will add 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.

Compare the demographic occupancy data of developments to the areas in which they are located.

For question (1)(c)(i), refer to the opportunity indicators analyzed in Section D, and Maps 5 and 6, which are race/ethnicity dot density maps showing the locations of publicly supported housing developments (Map 5) and rates of Section 8 voucher utilization (Map 6) with R/ECAP outlines. Compare the locations of publicly supported housing to Maps 9 through 15, which depict the opportunity indicators. Note that while the location of housing may be relevant to analysis, it is not the only factor in analyzing disparities in access to opportunity. "Access" in this context encompasses consideration of infrastructure or policies related to where a person lives that impact an individual's ability to benefit from an opportunity, such as available transportation to a job, school enrollment policies, program eligibility criteria, or local labor laws. As noted above, Map 5 does not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations often reveal distinct patterns. Local knowledge may be particularly useful in answering this portion of the question.

For question 2(a), understanding the limitations of the HUD-provided data discussed in the introduction to the instructions, using local data and knowledge, complete question (2). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, family status, and limited data on disability. Include any relevant information about other protected characteristics – but note that the analysis of disability is also specifically considered in Section V(D). Program participants may include an analysis of disability here, but still must include such analysis in Section V(D).

For question (2)(b), program participants may include any 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.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with publicly supported housing, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to publicly supported housing. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

D. Disability and Access Analysis

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.

For question (1)(a), refer to Map 16 and Table 13. Map 16 depicts a dot density distribution by disability type (hearing, vision, cognition, ambulatory, self-care, independent living) for the jurisdiction and the region. The map also includes R/ECAP outlines. Table 13 provides data on the percentage of the population with types of disabilities in the jurisdiction and the region.

For question (1)(b), refer to Maps 16 and 17 and Table 15. Map 17 depicts a dot density distribution of persons with disabilities by age (5-17, 18-64, and 65+) for the jurisdiction and the region. Table 14 provides data on the percentage of the population with disabilities by age for the jurisdiction and the region.

For questions (2)(a) HUD is unable to provide data at this time, as there is limited nationally available disability-related data at this time, including data relating to accessible housing; however, to assist with answering these questions, program participants may refer to the maps provided by HUD to identify R/ECAPs or other segregated areas identified in previous sections.

For questions (2)(b) HUD is unable to provide data at this time. Single-family housing is generally not accessible to persons with disabilities unless state or local law requires it to be accessible or the housing is part of a HUD-funded program or other program providing for accessibility features. The Fair Housing Act requires that most multifamily properties built after 1991 meet federal accessibility standards. As a result, multifamily housing built after this date, if built in compliance with federal law would meet this minimum level of accessibility, while buildings built before this date generally would not be accessible. The age of housing stock can be a useful measure in answering this question. In addition, affordable housing subject to Section 504 of the Rehabilitation Act must include a percentage of units accessible for individuals with mobility impairments and units accessible for individuals with hearing or vision impairments. Map 5, which shows the location of four types of publicly supported housing, may also be useful in answering this question.

For question (2)(c), refer to Table 15. Table 15 provides data on the number and percentage of persons with disabilities residing in four categories of publicly supported housing in both the jurisdiction and the region. In answering the question, consider policies and practices that impact individuals' ability to access the housing, including such things as wait list procedures, admissions or occupancy policies (e.g., income targeting for new admissions), residency preferences, availability of different accessibility features, and website accessibility.

Local data and knowledge will likely be particularly useful in answering questions (3)(a) and (b). Sources of location data and local knowledge may include, among others, individuals with disabilities, federally-funded independent living centers, state protection and advocacy organizations, advocacy organizations representing the spectrum of disabilities, state developmental disability councils and agencies, and state mental health/behavioral health agencies. Topics for consideration may include the length of wait lists for accessible units in publicly supported housing, availability of accessible units in non-publicly supported housing available to HCV participants, whether public funding (e.g. CDBG funds) or tax credits are available for reasonable modifications in rental units and/or for homeowners, whether accessible units are occupied by households requiring accessibility features, and whether publicly supported housing is in compliance with accessibility requirements.

The Fair Housing Act, Section 504, and the ADA contain mandates related to integrated settings for persons with disabilities. Integrated settings are those that enable individuals with disabilities to live and interact with individuals without disabilities to the greatest extent possible and receive the healthcare and supportive services from the provider of their choice. To answer questions (3)(a) and (b), refer to HUD's "Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*."⁴

Local data and local knowledge will likely be particularly useful in answering questions. To ensure meaningful analysis of these questions, program participants may need to obtain information from state disability service authorities, which may include, for example, the developmental disabilities authority, mental health authority, social or human services department, and the state Medicaid agency, each of which is likely to have ready access to reliable information concerning the location and frequency of individuals with disabilities. A state's *Olmstead* Plan may contain useful information in answering these questions.

For questions (4)(a)-(c), HUD is unable to provide data, as there is limited nationally available disability-related data. Local data and local knowledge will likely be particularly useful in answering questions.

For question (5)(a), program participants may refer to Tables 9, 10, and 11 and Maps 7 and 8 for data relating to disproportionate housing needs. However, this data is not specific to individuals with disabilities, as such local data and local knowledge may be particularly useful in answering this question.

Understanding the limitations of the HUD-provided data discussed above, complete question (6)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided

⁴ HUD's *Olmstead* Statement can be found at:
<http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.

data for this section only on certain types of disabilities and for the ages of persons with disabilities. Include any relevant information about other protected characteristics.

For question (6)(b), program participants may include any additional relevant information related to their analysis of disability and access 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.

For question (7), consider the list of factors provided, which are those most commonly associated with disability and access, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to disability and access. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis

Complete question (1). A summary of cases would typically include the parties, claims, and current status.

Complete question (2).

For question (3), list the agencies and organizations that provide fair housing information in the jurisdiction and region. Include a description of their capacity and resources available to them.

For questions (4)(a) and (b), program participants may include any additional relevant information related to their analysis of fair housing enforcement, outreach capacity, and resources in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, 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.

For question (5), consider the list of factors provided, which are those most commonly associated with fair housing enforcement, outreach capacity, and resources, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to fair housing enforcement, outreach capacity, and resources. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

Part VI: Fair Housing Goals and Priorities

To answer question (1), use the contributing factors selected in prior sections and prioritize them. In prioritizing contributing factors, program participants shall 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. Provide a justification for the prioritization of the factors. Also describe the prioritization method used. For example, if using a 1 through 5 ranking system, identify whether 1 or 5 reflects the highest priority.

Note that contributing factors may be outside the ability of program participants to directly control or influence. In such cases, those factors must be included in the prioritization. There still may be policy options or goals that program participants should identify, while recognizing the limitations involved.

For question (2), set one or more goals to address each fair housing issue with significant contributing factors. 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, and identify metrics and milestones for determining what fair housing results will be achieved. 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.

In answering question (2), use the table provided. Provide at least one goal addressing each fair housing issue. In the “Goals” column, state the goal that is being set. In the “Contributing Factors” column, identify the contributing factors the goal is designed to overcome. In the “Fair Housing Issues” column, identify the related fair housing issues the goal is designed to address. In the “Metrics and Milestones” column, identify the metrics and milestones program participants will use for determining what fair housing results will be achieved and a timeframe for achievement. Finally, in the “Discussion” row, provide an explanation of how the goal being set is going to address the contributing factors and related fair housing issues. For program participants submitting jointly, denote which program participant is responsible for each particular goal. If program participants are setting joint goals, explain the responsibilities of each program participant with respect to the joint goal. Please note that the number of goals is not limited by the table provided. Program participants are encouraged to set more goals than the table allows for currently.⁵

While the statutory duty to affirmatively further fair housing requires program participants to affirmatively further fair housing, the final rule does not mandate specific outcomes for the planning process. Instead, recognizing the importance of local decision-making, the analysis conducted in the AFH is meant 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.

Program participants should note that the strategies and actions, and the specifics of funding decisions, subject to the consolidated plan, PHA plan, or other applicable planning process are not required to be in the AFH. However, the goals set by program participants will factor into these planning processes. These goals will form the basis for strategies and actions in the subsequent planning documents. As stated in the regulatory text at 24 C.F.R. § 5.150, “a program participant’s strategies and actions must affirmatively further fair housing and may include various activities, such as developing affordable housing, and removing barriers to the development of such housing, in areas of high opportunity; strategically enhancing access to opportunity, including through targeted investment in neighborhood revitalization or stabilization; through preservation or rehabilitation of existing affordable housing; promoting greater housing choice within or outside areas of concentrated poverty and access to areas of high opportunity; and improving community

⁵ HUD anticipates that the online user interface that is currently under development will allow for program participants to set as many goals as a program participant wishes.

assets such as quality schools, employment, and transportation.” Goals addressing fair housing choice may include, for example, enhanced mobility options that afford access to areas of high opportunity.

Certification and Submission

Please note, for a joint or regional AFH, each collaborating program participant must authorize a representative to sign the certification on the program participant's behalf. In a joint or regional AFH, when responding to each question, collaborating program participants may provide joint analyses and individual analyses. The authorized representative of each program participant certifies only to information the program participant provides individually or jointly in response to each question in the assessment. The authorized representative does not certify for information applicable only to other collaborating program participants' analyses, if any.

APPENDIX A – HUD-Provided Maps

Map 1 Race/Ethnicity – Current (2010) race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

Map 2 Race/Ethnicity Trends – Past (1990 and 2000) race/ethnicity dot density maps for Jurisdiction and Region with R/ECAPs

Map 3 National Origin – Current 5 most populous national origin groups dot density map for Jurisdiction and Region with R/ECAPs

Map 4 LEP – LEP persons by 5 most populous languages dot density map for Jurisdiction and Region with R/ECAPs

Map 5 Publicly Supported Housing and Race/Ethnicity – Public Housing, Project-Based Section 8, Other Multifamily, and LIHTC locations mapped with race/ethnicity dot density map with R/ECAPs, distinguishing categories of publicly supported housing by color, for the Jurisdiction and Region

Map 6 Housing Choice Vouchers and Race/Ethnicity – Housing Choice Vouchers with race/ethnicity dot density map and R/ECAPs, for the Jurisdiction and Region

Map 7 Housing Burden and Race/Ethnicity – Households experiencing one or more housing burdens in Jurisdiction and Region with race/ethnicity dot density map and R/ECAPs

Map 8 Housing Burden and National Origin – Households experiencing one or more housing burdens in Jurisdiction and Region with national origin dot density map and R/ECAPs

Map 9 Demographics and School Proficiency – School proficiency thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

Map 10 Demographics and Job Proximity – Job proximity thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

Map 11 Demographics and Labor Market Engagement – Labor engagement thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

Map 12 Demographics and Transit Trips – Transit proximity thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

Map 13 Demographics and Low Transportation Costs – Low transportation cost thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

Map 14 Demographics and Poverty – Low poverty thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

Map 15 Demographics and Environmental Health – Environmental health thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps with R/ECAPs

Map 16 Disability by Type – Population of persons with disabilities dot density map by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

Map 17 Disability by Age Group – All persons with disabilities by age range (5-17; 18-64; and 65+) dot density map with R/ECAPs for Jurisdiction and Region

APPENDIX B – HUD-Provided Tables

Table 1 Demographics – Tabular demographic data for 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)

Table 2 Demographic Trends – Tabular demographic trend data 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)

Table 3 Racial/Ethnic Dissimilarity – Tabular race/ethnicity dissimilarity index for Jurisdiction and Region

Table 4 R/ECAP Demographics – Tabular data for 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

Table 5 Publicly Supported Housing Units by Program Category – Tabular data for total units by 4 categories of publicly supported housing in the Jurisdiction (Public Housing, Project-Based Section 8, Other Multifamily, Housing Choice Voucher (HCV) Program) for the Jurisdiction

Table 6 Publicly Supported Housing Residents by Race/Ethnicity – Tabular race/ethnicity data for 4 categories of publicly supported housing (Public Housing, Project-Based Section 8, Other Multifamily, HCV) in the Jurisdiction compared to the population as a whole, and to persons earning 30% AMI, in the Jurisdiction

Table 7 R/ECAP and Non-R/ECAP Demographics by Publicly Supported Housing Program Category – Tabular data on publicly supported housing units and R/ECAPs for the Jurisdiction

Table 8 Demographics of Publicly Supported Housing Developments by Program Category – Development level demographics by Public Housing, Project-Based Section 8, and Other Multifamily⁶ for the Jurisdiction

Table 9 Demographics of Households with Disproportionate Housing Needs – Tabular data of total households in the Jurisdiction and Region and the total number and percentage of households experiencing one or more housing burdens by race/ethnicity and family size in the Jurisdiction and Region

⁶ Please note that, for the first year, census tract level demographic data in which publicly supported housing developments are located, also including LIHTC developments, are available through the AFFH Data and Mapping Tool which includes a data query function and ability to export tables.

Table 10 Demographics of Households with Severe Housing Cost Burden – Tabular data of the total number of households in the Jurisdiction and Region and the number and percentage of households experiencing severe housing burdens by race/ethnicity for the Jurisdiction and Region

Table 11 Publicly Supported Housing by Program Category: Units by Number of Bedrooms and Number of Children – Tabular data on the number of bedrooms for units of 4 categories of publicly supported housing (Public Housing, Project-Based Section 8, Other Multifamily, HCV) for the Jurisdiction

Table 12 Opportunity Indicators by Race/Ethnicity – Tabular data of opportunity indices for school proficiency, jobs proximity, labor-market engagement, transit trips, low transportation costs, low poverty, and environmental health for the Jurisdiction and Region by race/ethnicity and among households below the Federal poverty line.

Table 13 Disability by Type – Tabular data of persons with vision, hearing, cognitive, ambulatory, self-care, and independent living disabilities for the Jurisdiction and Region

Table 14 Disability by Age Group – Tabular data of persons with disabilities by age range (5-17, 18-64, and 65+) for the Jurisdiction and Region

Table 15 Disability by Publicly Supported Housing Program Category – Tabular data on disability and publicly supported housing for the Jurisdiction and Region

APPENDIX C – Contributing Factors Descriptions

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 transaction 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.

AFFH FACT SHEET: TRANSITIONING TO THE NEW AFFH PROCESS GUIDANCE FOR CONSOLIDATED PLAN PROGRAM PARTICIPANTS¹



WHEN IS THE FIRST ASSESSMENT OF FAIR HOUSING (AFH) DUE?

The due date for Consolidated Plan program participants Assessment of Fair Housing (AFH) is generally based on its Consolidated Plan cycle. In general, the AFH Due Date is calculated as:

- For local governments that received over \$500,000 in CDBG funds in FY2015,² the first AFH will be due 270 days prior to the program year that begins on or after January 1, 2017 for which a new 3-5 year Consolidated Plan is due.
- For all other program participants (including States, Insular areas, and local governments that received \$500,00 or less in FY2015 CDBG), the due date will be 270 days prior to the program year that begins on or after January 1, 2018 for which a new 3-5 year Consolidated Plan is due.

HUD has provided an infographic to help outline the timeline for a Consolidated Plan program participants due date for the first AFH, based on the regulatory requirement at 24 CFR § 5.160.

EXCEPTIONS TO AFH DUE DATES:

1. **Recently Completed Regional Analysis of Impediments (RAI):** A program participants is not subject to the deadline pursuant to 24 CFR § 5.160(a) if it has completed a HUD-approved RAI in accordance with a grant awarded under HUD's FY 2010 or 2011 Sustainable Communities Regional Planning Grant Competition and submitted the RAI within 30 months prior to the date when the program participant's AFH would otherwise be due. A Consolidated Plan program participant meeting this condition will instead submit its first AFH as part of its next cycle.
2. **New Program Participants:** For new program participants that have not submitted a Consolidated Plan as of August 17, 2015, HUD will provide a deadline for submission of its first AFH.
3. **Joint and Regional AFHs:** Joint participants or regionally collaborating participants must select a lead entity. In this case, the due date for all such participants will be the due date for the designated lead entity. See 24 CFR § 5.156 and HUD's guidance titled, "How Program Participants Can Collaborate on their AFH Submission" for additional information on joint and regional submissions.
4. **Availability of Assessment Tool:** The Final Rule allows HUD flexibility in setting a later initial due date in the event that an Assessment Tool has not been issued for effect. In such an event, HUD will specify a deadline extension that will not be less than 9 months from the date of publication of the applicable Assessment Tool.

¹ Public housing agencies (PHAs) are also required to submit AFHs pursuant to the AFFH rule. PHA requirements will be covered in other guidance documents.

² Note for HOME Consortia: If a member of a HOME consortium is an entitlement jurisdiction that exceeds the \$500,000 CDBG threshold, the consortia should follow this first deadline. A consortium that either does not have include an entitlement jurisdiction, or whose associated entitlement jurisdictions does not meet the threshold, should follow the second deadline.

WHAT IS THE STATUS OF THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AI)?

Consolidated Plan program participants must comply with ongoing obligations to affirmatively further fair housing. In addition, until a program participant has submitted its first AFH, it will continue to provide the AFFH Consolidated Plan certification in accordance with the regulations that existed prior to August 17, 2015. See 24 CFR § 5.160(3). As such, program participants shall continue to maintain an up-to-date AI in accordance with the [Fair Housing Planning Guide](#), take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions. For Consolidated Plan program participants that are starting a new 3-5 year Consolidated Plan cycle that begins before the due date for an AFH or for Consolidated Plan program participants that otherwise have old or out-of-date AIs, the AI should continue to be updated in accordance with the Fair Housing Planning Guide until the Consolidated Plan program participant converts to the new AFFH process.

PREPARING FOR THE NEW AFFH PROCESS

In anticipation of the first AFH, there are a few things Consolidated Plan program participants will need to do prior to the start of the development of the AFH:

AMENDING THE CITIZEN PARTICIPATION PLAN

The AFFH rule includes new community participation requirements for the AFH and applies existing citizen participation requirements to the AFH (see 24 CFR § 5.158). Consolidated Plan program participants will need to amend their Citizen Participation Plans to comply with provisions of the new Part 5 and Part 91. This must be completed before starting the AFH. As a reminder, Consolidated Plan program participants must provide the public an opportunity to comment on any substantial amendments to the Citizen Participation Plan, and must make the Citizen Participation Plan public.

REACHING OUT TO PUBLIC HOUSING AGENCIES (PHAs) AND NEIGHBORING JURISDICTIONS

Consolidated Plan program participants are encouraged to work with PHAs and neighboring jurisdictions to conduct and submit an AFH. 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. Working regionally may help program participants ensure that their goals are consistent and collaborative, thereby making their goals more likely to be effective. Furthermore, there may be cost savings and less duplication of effort by working with partners.

The rule provides flexibility to encourage such collaborations, including the alignment of planning processes. HUD will provide additional guidance and technical assistance to help program participants form these types of partnerships. Section 5.156 provides the regulatory requirements applicable to joint and regional AFHs, including provisions regarding collaborating outside of a Core-Based Statistical Area, notice to HUD of a program participant's intent to collaborate, and coordinating program years and submissions deadlines, among others. Program participants may wish to consider and engage with other entities ahead of time to coordinate in advance of AFH deadlines.

KEEPING UP WITH THE LATEST AFFH TOOLS AND GUIDANCE

Guidance and training information will continue to be updated on the [AFFH HUD Exchange website](#). Consolidated Plan program participants are encouraged to continue to check back for the latest updates and may use the Ask-A-Question feature to pose questions about the rule and its implementation. Additionally, Consolidated Plan program participants can comment on any future Assessment Tools or other documents HUD may publish for public comment through notice in the Federal Register.



AFFH FACT SHEET: THE FAIR HOUSING PLANNING PROCESS UNDER THE AFFH RULE

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 (AI) approach, and following the effective date of the AFFH rule, under the new Assessment of Fair Housing (AFH) approach.¹ See [80 Fed. Reg. 42283](#) (July 16, 2015).

The AFFH rule is a fair housing planning rule—the rule clarifies existing fair housing obligations for HUD program participants to analyze their fair housing landscape and set locally-determined fair housing priorities and goals through AFH. The regulations establish specific requirements for the development and submission of an AFH by program participants and the incorporation and implementation of the strategies and goals set in the AFH into subsequent planning documents, including consolidated plans and PHA Plans, in a manner that connects housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing.

FAIR HOUSING ISSUES, CONTRIBUTING FACTORS, AND GOALS

The approach established by the AFFH rule is designed to improve the fair housing planning process by providing data and greater clarity of the steps that program participants must undertake to assess fair housing issues and contributing factors, establish fair housing priorities and goals to address them, and take meaningful actions to ultimately affirmatively further fair housing. The AFFH rule defines the terms fair housing issue, contributing factor, and meaningful actions as follows:

FAIR HOUSING ISSUE: “means a condition in a program participants 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.” See 24 C.F.R. § 5.152

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.” See 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.” See 24 C.F.R. § 5.152.

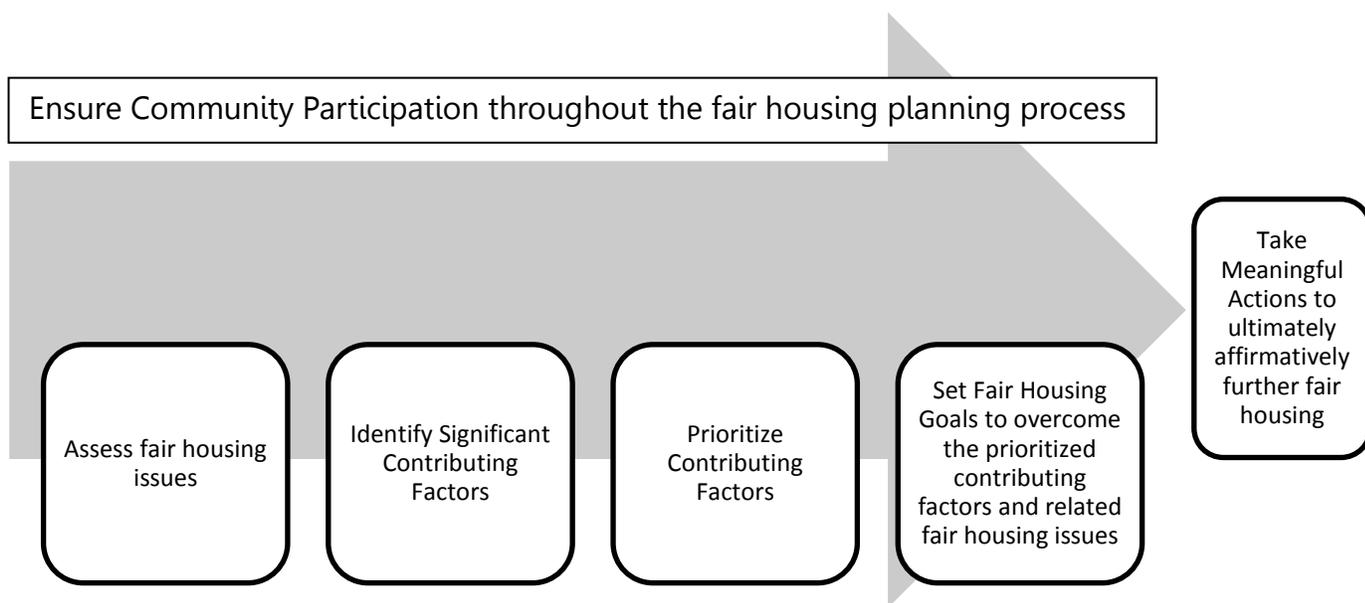
FAIR HOUSING PLANNING UNDER THE AFFH RULE

The intent of fair housing planning is to help program participants determine whether policies, practices, programs, and activities restrict fair housing choice and access to opportunity, and, if so, assess what factors are contributing to these barriers, and then develop a plan for addressing these restrictions. See 80 Fed. Reg. 42283 (July 16, 2015).

¹ Please note that “program participants” refers to the entities specified in § 5.154(b) of the AFFH rule (i.e., jurisdictions and insular areas that are required to submit consolidated plans and public housing agencies (PHAs) receiving assistance under sections 8 or 9 of the United States Housing Act of 1937).

The fair housing planning process that program participants must undertake includes:

- 1. Ensure Community Participation.** To ensure the AFH is informed by meaningful community participation, program participants must give the public reasonable opportunities for involvement throughout the AFH planning process, including in the development of the AFH and in the incorporation of the AFH into subsequent planning documents. See 24 C.F.R. § 5.158 and the Community Participation Fact Sheets.
- 2. Assess Fair Housing Issues.** Identify and discuss the fair housing issues affecting those protected under the Fair Housing Act, based on an assessment of HUD-provided data, local data, and local knowledge. See 24 C.F.R. § 5.154. These fair housing issues include, among others:
 - Ongoing local or regional segregation or lack of integration 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.
- 3. Identify Contributing Factors.** Identify significant contributing factors for the fair housing issues of segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, disproportionate housing needs, and fair housing issues related to publicly supported housing, disability and access, and fair housing enforcement, outreach capacity, and resources. See 24 C.F.R. § 5.154(d)(3).
- 4. Prioritize Contributing Factors.** Prioritize such factors and justify the prioritization. In prioritizing such factors, program participants shall give 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. See 24 C.F.R. § 5.154(d)(4).
- 5. Set Fair Housing Goals.** Set goals for overcoming the effects of contributing factors. For each goal, a program participant must identify one or more contributing factors that the goal is designed to address, describe how the overall goal relates to overcoming the identified contributing factor(s) and related fair housing issue(s), and identify the metrics and milestones for determining what fair housing results will be achieved. See 24 C.F.R. § 5.154(d)(4). To implement goals and priorities set in an AFH, strategies and action shall be included in program participants Consolidated Plans, Annual Action Plans, and PHA Plans (as applicable). See 24 C.F.R. §§ 5.152 and 5.154.



FAIR HOUSING GOALS LEAD TO STRATEGIES, ACTIONS, AND FAIR HOUSING OUTCOMES

The AFFH rule affords program participants considerable choice and flexibility in formulating goals and priorities to achieve fair housing outcomes. While the fair housing outcomes will vary based on local context and decision making, the fair housing planning process outlined above, in the AFFH rule, and within the AFH must be followed. Fair housing goals must be contained in the AFH; must include metrics, milestones, and timeframe for achievement; and must be explicitly incorporated into subsequent planning documents. Strategies and actions to implement the goals shall be included in the program participant's subsequent planning documents. This means that strategies and actions consistent with the goals contained in the AFH must be stated in the Consolidated Plan, PHA plan, and Annual Action Plans. Incorporating fair housing goals into these existing planning processes, which, in turn, incorporate fair housing strategies, actions, and priorities into housing and community development decision making promotes achieving fair housing outcomes. See 80 Fed. Reg. 42273 (July 16, 2015).

Take Meaningful Action. Using the goals set in the AFH, the program participant must take meaningful actions to affirmatively further fair housing. Taking meaningful actions means taking significant actions that are designed and can reasonably be 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. Ultimately, program participants must take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.

The outcomes that HUD seeks from this rule are those intended by the Fair Housing Act—overcoming historic patterns of segregation, promoting fair housing choice, and fostering inclusive communities that are free from discrimination. See 80 Fed. Reg. 42348 (July 16, 2015). HUD is not mandating specific outcomes for the planning process. See 80 Fed. Reg. 42288 (July 16, 2015). Instead, recognizing the importance of local decision making, the new AFH process establishes basic parameters and helps guide public sector housing and community development planning and investment decisions to fulfill the obligation to affirmatively further fair housing. See 80 Fed. Reg. 42288 (July 16, 2015).



AFFH FACT SHEET: COMMUNITY PARTICIPATION AND AFFH GUIDANCE FOR CONSOLIDATED PLAN PROGRAM PARTICIPANTS¹

WHAT IS COMMUNITY PARTICIPATION?

Community Participation, consultation, and coordination is required under the Affirmatively Further Fair Housing (AFFH) rule (24 CFR § 5.158). While they have different names, the requirements for community participation under the AFFH rule are the same as the “Citizen Participation” requirements in HUD Community Planning and Development regulations, but are two separate processes. Community participation requirements apply to all program participants. Without meeting the community participation requirements, an AFH will be found to be substantially incomplete and not accepted by HUD.

For the purposes of the rule, community participation as required in 24 CFR § 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.”

Consolidated Plan program participants must ensure an AFH is informed by meaningful community participation in the process of analyzing data; identifying fair housing issues and factors contributing to fair housing issues; and developing fair housing goals within the Assessment of Fair Housing (AFH). In conducting the community participation process, Consolidated Plan program participants must conduct outreach to those populations who have historically experienced exclusion, including racial and ethnic minorities, limited English proficient (LEP) persons, and persons with disabilities.

WHAT ARE THE COMMUNITY PARTICIPATION REQUIREMENTS?

Section 5.158 and subsequent conforming amendments contain community participation, consultation, and coordination requirements. The community participation required by the new AFFH rule is similar to what is already required of program participants. In fact, in addition to the community participation requirements outlined at 24 CFR § 5.158, the rule incorporates AFH community participation into existing program regulations at parts 91 and 903.

When collaborating to submit an AFH, 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. *Those program participants who choose to collaborate must meet those requirements specific to their program regulations.*

- **ALL PROGRAM PARTICIPANTS.** The requirements at 24 CFR § 5.158 provide that the public has reasonable opportunities for involvement in the development of the AFH and in the incorporation of the AFH into Public Housing Agency Plans. These requirements are aimed at assisting program participants achieve an inclusive fair housing planning process where community members,

¹ PHAs are also required to submit AFHs and follow community participation requirements pursuant to the AFFH rule. PHA requirements are covered in other guidance documents.

community-based organizations, and program participants contribute to the development of the AFH, as well as plans and activities to achieve fair housing goals specified in the AFH.

- **CONSOLIDATED PLAN PROGRAM PARTICIPANTS**. The Consolidated Plan program participant must follow the policies and procedures described in its applicable Citizen Participation Plan. Note, however, that Consolidated Plan program participants must update their Citizen Participation Plan to reflect the requirements of the AFFH rule.

Consolidated Plan program participants must follow the policies and procedures described in 24 CFR part 91 (see 24 CFR §§ 91.100, 91.105, 91.110, 91.115, 91.235, and 91.401), in the process of developing the AFH, obtaining community feedback, and addressing complaints. This includes, but is not limited to:

- Make any proposed analysis and the relevant documents, including the HUD-provided data and any other data to be included in the AFH, available to the public;
- The jurisdiction must consult with the agencies and organizations identified in consultation requirements at 24 CFR part 91 (see 24 CFR §§ 91.100, 91.110, and 91.235).
- Publish the proposed AFH in a manner that affords residents and others the opportunity to examine its content and submit comments;
- Provide for at least one public hearing during the development of the AFH and provide notice of this public hearing; and
- Provide a period of not less than 30 calendar days to receive comments from residents of the community.

For more information on the Citizen Participation requirements, see the [eCon Planning Suite Citizen Participation and Consultation Toolkit](#).

- **ALL PROGRAM PARTICIPANTS**. All program participants provide a summary of Community Participation in the AFH pursuant to 24 CFR § 5.154. Section 5.154 requires program participants to report on their community participation processes and outcomes in the AFH. The AFH must include:
 - A concise summary of the community participation process, public comments, and efforts made to broaden community participation in the development of the AFH;
 - A summary of the comments, views, and recommendations, received in writing, or orally at public hearings, during the community participation process; and
 - A summary of any comments, views, and recommendations not accepted by the program participant and the reasons for nonacceptance.
- **ALL PROGRAM PARTICIPANTS**. All program participants shall ensure that all aspects of community participation are conducted in accordance with fair housing and civil rights 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.

SEQUENCE OF REQUIRED COMMUNITY PARTICIPATION PROCESSES

Community participation must occur in the development of the AFH so that a program participants take into consideration the views and recommendations of the community. The AFH itself should be completed as a separate process *prior* to formulating the Consolidated Plan as the AFH must inform and be incorporated into these subsequent planning processes. As such, the AFH-related community participation will occur *prior* to the Consolidated Plan community participation processes. The community participation process

that occurs during the development of the AFH does not replace the required community participation in subsequent planning processes.



AFFH FACT SHEET: COMMUNITY PARTICIPATION AND AFFIRMATIVELY FURTHERING FAIR HOUSING GUIDANCE FOR PUBLIC HOUSING AGENCIES¹

WHAT IS COMMUNITY PARTICIPATION?

Community Participation, consultation, and coordination is required under the Affirmatively Further Fair Housing (AFFH) rule (24 CFR § 5.158). While they have different names, the requirements for community participation under the AFFH rule are the same as the “public participation” requirements in HUD regulations for Public Housing Agencies (PHAs), but are two separate processes. Community participation requirements apply to all program participants. Without meeting the community participation requirements, an AFH will be found to be substantially incomplete and not accepted by HUD.

For the purposes of the rule, community participation as required in 24 CFR § 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.”

PHAs must ensure an AFH is informed by meaningful community participation in the process of analyzing data; identifying fair housing issues and factors contributing to fair housing issues; and developing fair housing goals within the Assessment of Fair Housing (AFH). In conducting the community participation process, PHAs must conduct outreach to those populations who have historically experienced exclusion, including racial and ethnic minorities, limited English proficient (LEP) persons, and persons with disabilities.

WHAT ARE THE COMMUNITY PARTICIPATION REQUIREMENTS?

Section 5.158 and subsequent conforming amendments contain community participation, consultation, and coordination requirements. The community participation required by the new AFFH rule is similar to what is already required of program participants. In fact, in addition to the community participation requirements outlined at 24 CFR § 5.158, the rule incorporates AFH community participation into existing program regulations at parts 91 and 903.

When collaborating to submit an AFH, 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. *Those program participants who choose to collaborate must meet those requirements specific to their program regulations.*

- **ALL PROGRAM PARTICIPANTS.** The requirements at 24 CFR § 5.158 provide that the public has reasonable opportunities for involvement in the development of the AFH and in the incorporation of the AFH into Public Housing Agency Plans. These requirements are aimed at assisting program participants achieve an inclusive fair housing planning process where community

¹ Consolidated Plan program participants are also required to submit AFHs and follow community participation requirements pursuant to the AFFH rule. Consolidated Plan program participants requirements are covered in other guidance documents.

members, community-based organizations, and program participants contribute to the development of the AFH, as well as plans and activities to achieve fair housing goals specified in the AFH.

- **PUBLIC HOUSING AGENCIES (PHAs)**. PHAs must follow the policies and procedures described in 24 CFR §§ 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. This includes, but is not limited to:
 - Continue to ensure a PHA's Annual Plan is consistent with the applicable consolidated plan;
 - At least 45 days prior to the hearing, make any proposed analysis and relevant documents, including the HUD-provided data and any other data to be included in the AFH, available to the public; and
 - At least 45 days prior to the hearing, publish a notice informing the public that the information is available for review and inspection, and that a public hearing will take place on the AFH, and the date, time and location of the hearing.

- **ALL PROGRAM PARTICIPANTS**. All program participants provide a summary of Community Participation in the AFH pursuant to 24 CFR § 5.154. Section 5.154 requires program participants to report on their community participation processes and outcomes in the AFH. The AFH must include:
 - A concise summary of the community participation process, public comments, and efforts made to broaden community participation in the development of the AFH;
 - A summary of the comments, views, and recommendations, received in writing, or orally at public hearings, during the community participation process; and
 - A summary of any comments, views, and recommendations not accepted by the program participant and the reasons for nonacceptance.

- **ALL PROGRAM PARTICIPANTS**. All program participants shall ensure that all aspects of community participation are conducted in accordance with fair housing and civil rights 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.

SEQUENCE OF REQUIRED COMMUNITY PARTICIPATION PROCESSES

Community participation must occur in the development of the AFH so that a program participants take into consideration the views and recommendations of the community. The AFH itself should be completed as a separate process *prior* to formulating PHA Plan as the AFH must inform and be incorporated into these subsequent planning processes. As such, the AFH-related community participation will occur *prior* to the PHA Plan community participation processes. The community participation process that occurs during the development of the AFH does not replace the required community participation in subsequent planning processes.

AFFH FACT SHEET:

HOW PROGRAM PARTICIPANTS CAN COLLABORATE ON THEIR AFH SUBMISSIONS

HUD encourages program participants to collaborate between and among Public housing agencies (PHAs), local governments, States, and Insular Areas to conduct and submit a single Assessment of Fair Housing (AFH), through either a joint or regional AFH. See 24 CFR §§ 5.152 and 5.156.

WHY COLLABORATE?

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. As such, there may be resource savings and less duplication of effort by working with partners. Working regionally may help program participants ensure that their goals are consistent, collaborative, and innovative, thereby making their goals more likely to be effective.

TYPES OF COLLABORATION

Collaborating program participants need not be located in contiguous jurisdictions and may cross State boundaries, provided that the collaborating program participants are located within the same Core Based Statistical Area (CBSA), as defined by the United States Office of Management and Budget (OMB), at the time of submission of the AFH. If program participants are either not located in the same CBSA or not located in the same State, they must submit a written request for HUD's approval of their collaboration on a joint or regional AFH. Under any circumstance, collaborating program participants must designate, through express written consent, one participant as the lead entity to oversee the joint or regional AFH on behalf of all collaborating program participants.

JOINT PARTICIPANTS: Refers to two or more program participants conducting and submitting a single AFH (a joint AFH). Joint participants may include local jurisdictions, States, Insular Areas, or PHAs.

REGIONALLY COLLABORATING PARTICIPANTS: Refers to joint participants, at least two of which are Consolidated Plan program participants, conducting and submitting a single AFH (regional AFH).

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 another jurisdiction or with a local PHA; or
- Complete and submit an AFH individually.

PUBLIC HOUSING AUTHORITIES

- 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

IDENTIFYING A LEAD ENTITY

Collaborating program participants must designate, through express written consent, one participant as the lead entity to oversee the submission of the joint or regional AFH on behalf of all collaborating program participants. Program participants that intend to collaborate must notify their HUD field office representative and provide a copy of the collaboration agreement. A variety of regional institutions may be involved in the AFH planning process. However, the lead entity for a joint or regional AFH must be a designated program participant that is responsible for overseeing the submission of the AFH on behalf of all collaborating program participants.

COORDINATING SUBMISSION DEADLINES

To the extent practicable, in order to coordinate planning process and submission dates, all collaborating program participants must be on the same program year and/or fiscal year (as applicable) before submission of the joint AFH or regional AFH. HUD may approve a change in program or fiscal year to facilitate a regional or joint AFH. See 24 CFR § 5.156.

- A Consolidated Plan program participant may change its Consolidated Plan program participant program year start dates by notifying HUD at least two months before the date the program year would have ended if it had not been lengthened or at least two months before the end of a proposed shortened program year, as described in if necessary, are described in 24 CFR § 91.15. Program participants may also change the year that the housing, and homeless needs assessment, market analysis, and strategic plan must be submitted if agreed upon by HUD and the jurisdiction in order to coordinate with time periods used for other plans. See 24 CFR § 91.15.
- The applicable procedures for changing PHA fiscal year beginning dates, if necessary, are described in 24 CFR part 903.
- If alignment of a program year or fiscal year is not practicable, the submission deadline for a joint AFH or regional AFH must be based on the designated lead entity's program year start date or fiscal year beginning date (as applicable), as provided in § 5.160(c).
- Within 12 months after the date of AFH acceptance, each collaborating program participant that has a program year start date, or fiscal year beginning date, earlier than the designated lead entity must make appropriate revisions to its full Consolidated Plan (as described in 24 CFR § 91.15(b)(2) of this chapter), or PHA Plan and any plan incorporated therein, to incorporate strategies and proposed actions consistent with the fair housing goals, issues, and other elements identified in the joint AFH or regional AFH.

AFH SUBMISSION REQUIREMENTS

When submitting a joint or regional AFH, collaborating program participants may divide work as they choose, but all program participants are accountable for the analysis and any joint goals and priorities, and each collaborating program participant must sign the AFH submitted to HUD. The authorized representative of each program participant must sign and date the certification. Collaborating program participants are also accountable for their individual analysis, goals, and priorities to be included in the collaborative AFH. In identifying contributing factors and setting priorities and goals, these program participants can address fair housing issues that transcend jurisdiction lines, but must also conduct an analysis specific to their own geographic area. The deadline for submission for collaborating program participants is determined according to the lead entity's schedule.



GUIDANCE ON HUD'S REVIEW OF ASSESSMENTS OF FAIR HOUSING (AFH)

The AFH is a local planning document that includes analysis of fair housing issues and identification and prioritization of significant contributing factors to better inform program participants' goal setting, establishment of priorities and strategies, and guide the meaningful actions that program participants will take to affirmatively further fair housing. HUD will consider the staff and other resources the program participant has available. The Assessment Tool will help program participants assess fair housing issues through a standardized set of questions on some of the most common fair housing issues. The HUD-provided data and the questions in the Assessment Tool were developed to allow the program participant to match the necessary data, maps and information with the questions, along with local data and local knowledge.¹

HOW HUD REVIEWS ASSESSMENTS OF FAIR HOUSING (AFHs) UNDER THE AFFH RULE

When reviewing an AFH, HUD reviewers will apply the two review standards set forth in the Affirmatively Furthering Fair Housing Final Rule (AFFH Rule) at 24 C.F.R. § 5.162. Specifically, HUD will not accept an AFH if:

- The AFH is inconsistent with fair housing or civil rights requirements. Under this standard, an AFH will not be accepted if HUD finds that the AFH, or a portion of the AFH, is inconsistent with fair housing or civil rights requirements; or
- The AFH is substantially incomplete. Under this standard, an AFH will not be accepted if HUD finds that the AFH or a portion of the AFH is substantially incomplete.

The HUD reviewer will apply both standards. The purpose of the review is to help ensure that, for fair housing planning purposes, the program participant has assessed fair housing issues, identified and prioritized significant contributing factors, and set goals that will enable the program participant to meet its obligation to affirmatively further fair housing in accordance with the AFFH Rule.

¹ Local data, as defined by the AFFH rule at 24 C.F.R. § 5.152, 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. Local knowledge, as defined in 24 C.F.R. § 5.152, means information to be provided by program participants that relates to program participant's geographic areas of analyses and that is relevant to the program participant's AFH, is known or becomes known to program participants, and is necessary for the completion of the AFH using the Assessment Tool.

Program participants have discretion, within the requirements of the AFFH Rule, to analyze and interpret data and information, identify significant contributing factors, and set goals and priorities using the Assessment Tools provided by HUD.

While there is opportunity for certain discretion and variation in the AFHs developed by different program participants, HUD will fulfill its duty to apply the standards of review in the AFFH Rule to determine if an AFH is substantially incomplete or inconsistent with fair housing or civil rights requirements. When HUD does not accept an AFH because it is substantially incomplete, inconsistent with fair housing or civil rights requirements, or meets both standards for non-acceptance, HUD will provide program participants with direction on how to correct the deficiencies identified by HUD so the program participant will be able to achieve an accepted AFH.

This document is offered to assist program participants in understanding how HUD will conduct its review of an AFH and apply the standards established in in Section 5.162 of the AFFH Rule.

HUD notes that the AFH process established by the AFFH Rule applies to a wide variety of HUD program participants, large and small, including cities, counties, towns, States, insular areas and public housing agencies (PHAs) located throughout the nation representing urban, rural, and suburban areas. The Assessment Tools program participants will use in conducting AFHs will accommodate this wide variety of program participants that have different demographic, geographic, and housing market considerations. HUD's review of AFHs will likewise take into consideration the different circumstances of individual program participants and their varying locales and available resources. As such, each AFH is necessarily unique to conditions impacting a program participant's jurisdiction and region and acceptance or non-acceptance of one AFH necessarily is not indicative of acceptance or non-acceptance of another.

If HUD does not accept an AFH based on one or both of the standards for non-acceptance, HUD will notify the program participant and identify the steps the program participant may take to address deficiencies in order to achieve an accepted AFH. A notice that an AFH or a portion of an AFH is inconsistent with fair housing or civil rights requirements is not by itself a notice of a fair housing or civil rights violation. Instead, it is an initial determination that the assessment should be revised and resubmitted to address the issued identified and explained by HUD in the notification of non-acceptance. Such guidance will help program participants have the information they need to achieve an accepted AFH. HUD is committed to providing ongoing engagement and guidance to program participants on how to fulfill their duty to affirmatively further fair housing under the AFFH Rule.

Examples of how HUD will apply both standards are provided below along with examples of potential corrective actions that HUD could request. (See *Examples of Corrective Actions that HUD will seek if an AFH Is Not Accepted.*)

PRINCIPLES WHEN APPLYING THE STANDARDS

In applying the two standards, HUD reviewers will be guided by certain general principles, which include the following:

- The purpose of the AFH is to position the program participant to meet its obligation to affirmatively further fair housing. In the case of any non-acceptance, HUD will work with each

program participant to provide the information the program participant needs so the AFH meets the requirements of the AFFH Rule so that it can be accepted by HUD.

- HUD will apply both standards to the process (*e.g.*, community participation and consultation) and the AFH content (*e.g.*, summary of community participation, analysis, identification and prioritization of contributing factors, goals);
- While both standards apply, the focus of each standard is different. The “substantially incomplete” standard will primarily focus on whether the process and content of the AFH were completed in accordance with the requirements of the AFFH Rule and the Assessment Tool. The “inconsistent with fair housing or civil rights requirements” standard will primarily focus on the extent to which the process and content of the AFH are consistent with fair housing or civil rights requirements. This standard will be applied in circumstances where something included in or omitted from the submission, that, if left unaddressed as part of the AFH process would not be compatible with fair housing or civil rights requirements.
- HUD will consider local context and the resources the program participant has available; and
- Because both standards apply to the process and content, it is possible for an AFH, or a portion of an AFH, to be substantially incomplete, inconsistent with fair housing or civil rights requirements, or both.

INCONSISTENT WITH FAIR HOUSING OR CIVIL RIGHTS REQUIREMENTS

The AFFH Rule itself provides two examples of an AFH that is inconsistent with fair housing or civil rights requirements (24 C.F.R. § 5.162(b)(1)(i)):

- 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;
- The AFH does not identify policies or practices as fair housing contributing factors, even though the policies and practices result in the exclusion of a protected class from areas of opportunity.

Program participants are subject to the requirements of the Fair Housing Act and other Federal civil rights statutes, regulations, and Executive Orders, including but not limited to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II and III of the Americans with Disabilities Act of 1990, and the Age Discrimination Act. Program participants that receive Community Development Block Grant (CDBG) funds are also subject to Section 109 of the Housing and Community Development Act of 1974. Fair housing or civil rights requirements are also contained in the regulations implementing these statutes and HUD program regulations, including 24 C.F.R. § 5.105, among others.

Program participants should use caution to avoid goals, strategies, or actions that operate to discriminate in violation of applicable laws, including constitutional standards – through, for example, the use of racial classifications that are 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. In the latter instance, HUD would find the goal to be inconsistent with fair housing or civil rights requirements.

Similarly, HUD would not accept an AFH if HUD determined that the AFH failed to identify existing policies or practices that violate fair housing or civil rights requirements. Thus, where a program participant has information that a state or local policy or practice acts as a significant contributing factor for a fair housing issue, such as segregation, and where the AFH fails to discuss the policy or practice, that AFH would not be accepted by HUD. An example of this might be where a local residency preference operates to exclude protected class groups in the surrounding area and the AFH does not discuss how this preference contributes to fair housing issues such as segregation and access to opportunity.

SUBSTANTIALLY INCOMPLETE

HUD will not accept an AFH that it finds to be substantially incomplete. The AFFH Rule itself provides two examples of an AFH that is substantially incomplete (24 C.F.R. § 5.162(b)(ii)):

- The AFH was developed without the required community participation or the required consultation;
- The AFH fails to satisfy a required element in §§ 5.150 through 5.180. Failure to satisfy a required element includes an assessment in which priorities or goals are materially inconsistent with the data or other evidence available to the program participant or in which priorities or goals are not designed to overcome the effects of contributing factors and related fair housing issues.

HUD encourages program participants to use the detailed checklist and worksheet in Appendix A, which HUD has provided to help program participants conduct an AFH in accordance with the AFFH Rule. While use of the checklist and worksheet is voluntary and should not be submitted to HUD, it can help to avoid problems that may cause an AFH to be substantially incomplete.

Deficiencies that cause an AFH to be substantially incomplete are typically easy to identify and easy to fix. Examples include:

- A section or question in the Assessment Tool has not been filled out;
- The HUD-provided data has not been used to complete a question in the Assessment Tool;
- HUD-provided data or other information that is readily available to the program participant (e.g., local data and local knowledge) is ignored while presenting contradictory information without providing appropriate justification;
- The AFH fails to include the required explanation of comments from the community participation process: a concise summary of the community participation process, public comments, and efforts made to broaden community participation in the development of the AFH; a summary of the comments, views, and recommendations, received in writing, or orally at

public hearings, during the community participation process; and a summary of any comments, views, and recommendations not accepted by the program participant and the reasons for non-acceptance;

- The AFH does not include a goal associated with a fair housing issue identified in the analysis and significant contributing factor(s) related to the issue, or the AFH includes a set of goals that, taken together, would not constitute a balanced approach to addressing fair housing issues.

Example of Substantially Incomplete based on Contributing Factors

HUD will find an AFH to be substantially incomplete where the AFH includes a clear finding of a fair housing issue, such as the presence of R/ECAPs, but fails to identify any contributing factors associated with that issue.

Example of Substantially Incomplete based on Goals

HUD will find an AFH to be substantially incomplete when the AFH identifies fair housing issues and related significant contributing factors but fails to establish a goal to address these. If there is a single goal established to address an identified fair housing issue and this goal is deficient, the AFH will be found substantially incomplete. However, in applying the Substantially Incomplete standard, as relevant, multiple goals will be reviewed together as a whole consistent with the “balanced approach” that HUD has articulated in the AFFH Rule and the AFFH Rule Guidebook.

ADDITIONAL INFORMATION RELATED TO HUD’S REVIEW

The Answers to Questions will depend on the Available Information

Program participants are required to respond to all questions in the Assessment Tool. However, where appropriate, a response may indicate that there is no HUD-provided data or other information readily available 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.

Information Received in Community Participation

Community participation can be a valuable source of information, and program participants are required to consider such information when they conduct their AFH. The AFH must include a concise summary of the community participation process, public comments, and efforts made to broaden community participation in the development of the AFH; a summary of the comments, views, and recommendations, received in writing, or orally at public hearings, during the community participation process; and a summary of any comments, views, and recommendations not accepted by the program participant and the reasons for non-acceptance. 24 C.F.R. § 5.154(d)(6).

Program participants are not required to incorporate all possible information submitted or recommended to them in the community participation process, but they are required to at least summarize and describe such comments and recommendations, including the reasons for not including them. HUD is aware that many private organizations may wish to provide their own analyses which may include complex data and analysis. Program participants are not required to expend extensive staff time or funding to corroborate or verify all such information.

Review of the Analysis Section

HUD did not set numeric thresholds based on the HUD provided data in the AFFH rule. Identifying fair housing issues is highly fact-dependent and can only be accomplished by considering local context and can involve complex socioeconomic factors. In addition, specific data limitations may sometimes be present, such as margins of error and small values (for example, an index score for a particular group that represents a very small number of households). HUD also acknowledges that different agencies or observers can arrive at different interpretations or conclusions even when located in the same area.

Therefore, HUD's review of an AFH will take into account relevant facts and the overall context of local conditions and factors as well as the entire AFH submission taken together as a whole.

HUD recognizes that AFHs will not always present one clear picture with only one obvious available solution. By its very nature, the AFH is a planning document intended to help inform and guide local decision-making in addressing complex physical, social, and economic problems, including the need for safe and affordable housing, and addressing neighborhood conditions with limited budgets. By providing data and a framework for analysis, however, the AFH is intended to assist program participants in their own prioritization of how best to allocate scarce resources and design effective approaches to meet identified local needs and comply with their duty to affirmatively further fair housing. The goal is not to create difficulties for program participants, but to empower participants to fulfill their legal obligation to affirmatively further fair housing.

Local Data

HUD will not review an AFH to determine if every possible piece of relevant local data has been included. However, HUD's review of an AFH will consider whether the analysis did not take local data into consideration as required by the AFFH Rule. Program participants must 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. Note that, subject to the community participation, consultation, and coordination process outlined in the AFFH Rule at 24 C.F.R. § 5.158, program participants are required to consider information relevant to the jurisdiction or region submitted during the community participation process, including recommendations of other data sources for program participants to assess.

Where HUD is not providing data, program participants are to consider and utilize local data and local knowledge that is available or can be found at little or no cost. This refers to data already publicly available and reasonably easy to access. This does not refer to obscure data that may not be known or easily found, that requires an independent data or information collection effort such as a local survey or that requires extensive analytical expertise or staff effort, for instance, in manipulating data sets or developing a complex methodology for analyzing complex data that may be available. With the data that HUD provides for use with the Assessment Tool supplemented by available local data and local knowledge, HUD does not anticipate the need for any program participant to turn to outside consultants to collect data and conduct the assessment.

Review of Contributing Factors

In preparing their AFH, program participants are not required to conduct formal impact evaluation reviews to establish potential causation of the potential contributing factors that HUD has provided in the Assessment Tool or of other factors that the participant may identify on their own. Where the HUD-provided data, local data or local knowledge, including information obtained through the community

participation process provide a substantial, readily apparent basis for determining that a contributing factor has a significant impact on an identified fair housing issue then the program participant should identify such factors as contributing to fair housing issues previously found in the participant’s analysis.

Program participants may still prioritize such factors in various ways, for the purpose of goal setting, according to the requirements of the rule. As stated in the AFFH Rule, program participants must: 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. Within these requirements, program participants are provided with options for different methods of prioritizing contributing factors. (See AFFH Guidebook, page 109)

Review of Goals

An AFH must set at least one goal to overcome each fair housing issue for which there is one or more of significant contributing factor(s) related to that issue. An AFH is substantially incomplete and will not be accepted if it does not comply with this requirement.

Program participants have latitude for setting goals to take into account available resources and to prioritize potential strategies and actions that would have greater likelihood of success. HUD recognizes that there are likely insufficient funds for program participants to set realistic, achievable goal for every contributing factor, which is why the AFFH Rule directs program participants to identify significant contributing factors and to prioritize such factors. Program participants in all likelihood will not be able to address all fair housing issues and contributing factors that they may want to tackle and, therefore, prioritization will be necessary. The AFH process allows for a flexible approach that permits program participants to consider a variety of available strategies to meet a wide range of local needs and housing market conditions consistent with the duty to affirmatively further fair housing in consideration of the limited programmatic resources.

EXAMPLES OF CORRECTIVE ACTIONS THAT HUD WILL SEEK IF AN AFH IS NOT ACCEPTED

Below is a table that identifies examples of reasons that HUD will not accept an AFH, an explanation why the AFH would be substantially incomplete or inconsistent with fair housing or civil rights requirements, and the corrective action HUD will take.

Example: An AFH does not include a complete analysis of each fair housing issue.

Explanation: To the extent HUD-provided data, local data, or local knowledge is available to assess a fair housing issue, each of the fair housing issues in the Assessment Tool must be assessed (24 C.F.R. § 5.154). As such, an AFH is substantially incomplete if it fails to identify or analyze—for example—disproportionate housing needs or R/ECAPs in response to a prompt in the Assessment Tool where HUD-provided data, local data, or local knowledge is available and meets the requirements set out in 24 C.F.R. § 5.152 and the instructions to the Assessment Tool.

Corrective Action: HUD will provide guidance with regard to the requirement and notify the program participant of the availability of HUD-provided data, local data, or local knowledge.

Example: An AFH lacks a regional analysis.

Explanation: If HUD determines that the AFH lacks a regional analysis, the AFH is substantially incomplete. The AFH Rule requires, at 24 C.F.R. § 5.154, that each program participant conduct an assessment of fair housing that includes its jurisdiction and its region. In addition, the AFH Assessment Tool specifically calls for regional analyses in response to certain questions. The extent of the regional analysis provided will be based on HUD-provided data, local data, or local knowledge that is available and meets the requirements set out in 24 C.F.R. § 5.152 and the instructions to the Assessment Tool. To the extent a program participant lacks the HUD-provided data, local data, or local knowledge to conduct a regional analysis, HUD will direct the program participant, in accordance with the Assessment Tool Instructions, to note the lack of available information.

Corrective Action: HUD will direct program participants to the specific areas within the Assessment Tool where regional analysis is missing.

Example: A joint or regional AFH is missing part of the analysis with respect to one of the program participants in the collaboration.

Explanation: A joint or regional collaboration 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 housing choice and to set priorities and goals for its geographic area to overcome the effects of contributing factors and related fair housing issues. (24 C.F.R. § 5.156).

Corrective Action: HUD will inform all members of the collaboration that the AFH is substantially incomplete, but the non-acceptance may only be with respect to the one program participant whose analysis is missing. In connection with a regional or joint AFH, HUD's determination to 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. (24 C.F.R. § 5.160(b)).

Example: The program participant fails to employ local data and local knowledge. For example, a program participant does not provide information about a consent decree or pending fair housing enforcement matters to which it is a party.

Explanation: Local data and local knowledge must be used to complete an Assessment of Fair Housing. The AFFH Rule at 24 C.F.R. § 5.152 and the Assessment Tool include the requirements relating to the use of local data and local knowledge.

Corrective Action: HUD will advise the participant to complete the appropriate questions using local data and local knowledge. To the extent local data or local knowledge is not available, HUD will direct the program participant to note the lack of available information in accordance with the AFH Assessment Tool Instructions, rather than leaving the question blank.

Example: The community participation process was conducted in a manner that did not comply with the requirements at 24 C.R.F. § 5.158, which incorporates the relevant requirements of Parts 91 and 903, as well as Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act. Examples include not providing sign language interpreters at public hearings when requested by individuals who are deaf, holding a public meeting at a facility that is not accessible to a person who uses a wheelchair, or failing to take reasonable steps to provide language assistance to ensure meaningful access to community participation by non-English speaking residents of the community (e.g., providing interpretation and translation services, as appropriate, in a community with a sizeable population of Spanish speaking residents who are limited English

proficient).

Explanation: HUD will find that the AFH does not comply with requirements of the AFFH Rule. This failure to comply with the AFFH Rule relating to community participation or any other failure would make the AFH substantially incomplete. In this instance, which implicates inconsistency with Federal civil rights laws and regulations the AFH would also be inconsistent with fair housing or civil rights requirements.

For program participants subject to the AFFH Rule, conducting a community participation process that complies with these civil rights laws is a fair housing or civil rights requirement. As such, the AFH would also be inconsistent with fair housing or civil rights requirements if the program participant did not provide effective communication with individuals with disabilities, did not hold meetings at accessible locations, or did not comply with the nondiscrimination or effective communication requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act or the nondiscrimination or meaningful access requirements of Title VI prohibits discrimination based on race, color, and national origin and requires meaningful access for individuals with limited English proficiency. Title VI requires reasonable steps to ensure meaningful access for persons with limited English proficiency and, under these circumstances, providing a Spanish language interpreter for a sizeable population of population of limited English proficient persons would be reasonable. A failure to comply with the AFFH Rule's requirements for community participation would also make the AFH substantially incomplete.

Corrective Action: HUD will provide guidance to the participant advising as to the requirement that must be met based on the requirements or the AFFH rule, Assessment Tool, and the requirements of Section 504, the ADA, and Title VI, including HUD's guidance on Title VI's Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

Example: An AFH fails to identify significant contributing factors. A contributing factor is a factor that creates, contributes to, perpetuates, or increases the severity of fair housing issues. For example, an AFH that identifies an overall lack of affordable housing in the program participant's jurisdiction and region outside of R/ECAPs and other minority segregated areas. An example of this may be where a program participant's analysis of HUD-provided data, local data, and local knowledge, including information obtained through the community participation process, further indicates the severely limited supply of affordable housing options is substantially located in segregated areas in the jurisdiction. Most affordable housing, including publicly supported housing, developed in the jurisdiction and region over the last ten years is located in segregated areas, and the segregation was created by these past siting decisions. Based on local data and local knowledge, there is no reason to believe that those areas are in the process of integrating. Nonetheless, the program participant fails to identify the contributing factor of the location and type of affordable housing related to the fair housing issues of segregation and racially or ethnically concentrated areas of poverty (R/ECAPs).

Explanation: This example assumes that, based upon the information in the AFH, it is clear that this factor should have been identified. Program participants are required under the AFFH Rule to identify significant contributing factors and related fair housing issues. When HUD-provided data, local data, and local knowledge demonstrate that the location and type of affordable housing play a significant role in creating, contributing to, perpetuating, or increasing the severity of fair housing issues, the failure to recognize would cause HUD to find the AFH to be substantially incomplete. In this example, there is a lack of affordable housing options outside of segregated areas, which is a contributing factor related to the fair housing issues of segregation and R/ECAPs. Because this deficiency will result in the contributing factor not being addressed and could limit fair housing

choice, then HUD would find the AFH to be inconsistent with fair housing or civil rights requirements. 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, and as further defined in 24 C.F.R. § 5.152.

Corrective Action: HUD will advise the program participant of the omission a significant contributing factor and require resubmission of the AFH with the appropriate analysis.

The identification of significant contributing factors is a critical component of the AFH – to assess why members of particular protected classes may experience restricted housing choice or access to opportunity, including conditions such as segregation, R/ECAPs, disparities in access to opportunity, disproportionate housing needs, or other fair housing issues. Contributing factors may be outside of the ability of the program participant to control or influence. However, such factors, if relevant to the jurisdiction and region, must still be identified. For more information on the identification of significant contributing factors, please refer to Section 5.6 of the AFFH Rule Guidebook.

Example: A program participant identifies disparities in access to opportunity as a fair housing issue, including significant contributing factors that the program participant has prioritized related to access to proficient schools and access to transportation. However, the program participant does not include a goal designed to overcome the effects of any of the contributing factors related to this fair housing issue.

Explanation: Section 5.154(d) of the AFFH Rule sets out certain requirements for the content of the AFH. Section 5.154(d)(4)(iii) requires program participants to set goals for overcoming the effects of contributing factors as prioritized in accordance with the Rule. As such, when there is “a fair housing issue, with at least one significant contributing factor, HUD would expect the AFH to include one or more goals for that fair housing issue.” As a result, HUD would find the AFH to be substantially incomplete.

Corrective Action: HUD will direct the program participant to set a goal for overcoming the fair housing issue and related contributing factor(s).

Example: A jurisdiction has highly segregated areas without access to opportunity. The jurisdiction also lacks affordable housing options in areas with access to opportunity. The program participant’s only goal to address the fair housing issue of disparities in access to opportunity is to develop additional affordable housing in areas that lack access to opportunity. The jurisdiction does not have a goal designed to increase access to opportunity in the areas where existing or newly developed affordable housing are located. The program participant also does not have a goal to provide mobility options or other expanded affordable housing options to provide access for low income households in areas with access to opportunity.

Explanation: The goals established in the AFH, when taken together, would not affirmatively further fair housing under the AFFH Rule (See definitions of Affirmatively furthering fair housing and meaningful actions at 24 C.F.R. 5.152). The absence of any goals, other than merely developing additional affordable housing in areas that lack access to opportunity fails to address the fair housing issues identified in this example. As such, HUD would find the AFH to be both substantially incomplete as well as inconsistent with fair housing or civil rights requirements (*e.g.*, the nondiscrimination requirements of the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of

the Rehabilitation Act, and the Americans with Disabilities Act). Under the AFFH Rule, program participants must set goals for overcoming the effects of contributing factors identified and prioritized by the program participant in accordance with the Rule. For each goal, a program participant 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), and identify the metrics and milestones for determining what fair housing results will be achieved. (See 24 C.F.R. § 5.154 (d)).

Additionally, HUD stated in the AFFH Rule that, 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. (24 C.F.R. § 5.154(d)(iii)). In reviewing goals, HUD will take a number of factors into consideration, including resources. In this case, however, where the goals taken together would not increase fair housing choice or access to opportunity, the program participant is not planning to take the meaningful actions required under the AFFH Rule and the Fair Housing Act.

The goals in the AFH will inform program participants in establishing and implementing strategies and actions that shall be included in program participants' consolidated plans, Annual Action Plans, and PHA Plans (including any plans incorporated therein). (See 5.154(d)(5))

Corrective Action: HUD will provide an explanation of why the goals (or lack thereof) established in the AFH do not meet the requirements, that is they are not designed to address and overcome the identified contributing factor(s) and related fair housing issue(s), and therefore cannot be reasonably expected to achieve a material positive change that affirmatively furthers fair housing. HUD will provide guidance to the program participant to allow the development of goals regarding what could be expected to affirmatively further fair housing, through for example, neighborhood revitalization that would increase access to opportunity given the fair housing issues and significant contributing factors identified in the program participant's AFH.

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 action 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.

HUD recognizes that the rule provides program participants with certain discretion in establishing appropriate goals (*e.g.*, place-based redevelopment/new construction and mobility goals that increase access to opportunity in areas where affordable housing is currently located or result in the development of additional affordable housing in areas with access to opportunity).

As stated in the Purpose section of the AFFH Rule (5.150), a program participant's strategies and actions must affirmatively further fair housing and may include various activities, such as developing affordable housing, and removing barriers to the development of such housing, in areas of high opportunity; strategically enhancing access to opportunity, including through: Targeted investment

in neighborhood revitalization or stabilization; preservation or rehabilitation of existing affordable housing; promoting greater housing choice within or outside of areas of concentrated poverty and greater access to areas of high opportunity; and improving community assets such as quality schools, employment, and transportation.

ACCEPTANCE OF AN AFH

If HUD “accepts” an AFH, such acceptance means only that, for purposes of administering HUD funding, HUD has determined that the program participant has provided an AFH that meets the requirement elements, as set forth in Section 5.154(d) of the AFFH rule. Please note that acceptance 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.

An accepted AFH is a requirement for consolidate plan and PHA plan approval. If a program participant does not have an accepted AFH, HUD will disapprove a consolidated plan (see 24 C.F.R. § 91.500) or a PHA Plan (see 24 C.F.R. § 903.23) except where delayed submission is otherwise permitted under Sections 5.156 or 5.160 of the AFFH rule.

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

The Fair Housing Act¹ (the Act) declares that it is “the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.”² 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 status³, national origin, or disability.^{4 5} 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.⁶

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 integrated and balanced living patterns.”⁷ In 2015, in *Texas Department of Housing and*

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

² 42 U.S.C. § 3601.

³ 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

⁴ 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.”

⁵ 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.

⁶ 42 U.S.C. § 3608(d), (e)(5)

⁷ 409 U.S. 205, 211 (1972)

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.⁸

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.⁹ Executive orders have also provided for equal opportunity in housing programs.¹⁰ In addition, Executive Order 12892¹¹ emphasized the importance of complying with the obligation to affirmatively further fair housing.

⁸ No. 13-1371 at 24, 576 U.S. ____ (2015)

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

¹⁰ Executive Order 11063, as amended by Executive Order 12259, Equal Opportunity in Housing Programs.

¹¹ 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 of its programs, policies, and activities on minority populations and low-income populations.”

1.1 The AFFH Rule

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).¹² 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

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

¹² 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.

- 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.

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

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

Program participants conduct the AFH using an Assessment Tool, HUD-provided data,¹³ local data, and local knowledge, including the views and recommendations of members of

¹³ 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

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.¹⁴ *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.*

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

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.

¹⁴ 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)

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.

1.3 Fair Housing Planning Using the AFFH Rule

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:¹⁵

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
 - 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.

¹⁵ 24 C.F.R. § 5.154

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.**¹⁶ 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 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

¹⁶ 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.

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

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.

2.1 Balanced Approach to Fair Housing Planning

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>Place-Based Strategies: Investments to substantially improve physical and economic development in racially or ethnically concentrated low income neighborhoods to revitalize the area.</p>	<p>Mobility Strategies: 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"> • Building rehabilitation as a part of a concerted community revitalization effort • New construction of mixed income housing designed to integrate R/ECAPs • Commercial redevelopment to attract jobs, access to financial services, grocery stores, and other businesses • 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 	<p>These types of strategies may include:</p> <ul style="list-style-type: none"> • 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 • Increasing the stock of scattered site affordable housing in integrated areas and areas of opportunity • 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 • Increasing access for individuals with protected characteristics to existing affordable housing in higher opportunity areas

3. AFH Process and Timeline

In general, HUD program participants must conduct and submit an AFH to HUD at least once every 5 years.¹⁷ 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.*

3.1 When Must Assessments of Fair Housing Be Submitted?

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.

¹⁷ 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)

Participant Type: Consolidated Plan Participants¹⁸	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:
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

Participant Type: PHAs	First AFH due 270 days prior to the fiscal year for which a new 5-year plan is due, starting on or after:
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.

¹⁸ 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.

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

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.¹⁹ A CBSA may cover a single county or more than one county and may cross state boundaries.²⁰

¹⁹ 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.

²⁰ 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.

3.3 Process Requirements for Collaboration

All program participants that intend to conduct and submit either a joint or regional AFH must promptly²¹ 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

²¹ 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.²² 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.

²² 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.

3.4 Community Participation, Consultation, and Coordination

The AFFH rule requires community participation,²³ 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.²⁴

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

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

²³ 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.

²⁴ 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.²⁵ To ensure that these planning documents are informed by meaningful community participation, “program participants should employ communications means designed to reach the broadest audience.”²⁶

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).²⁷ 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;
- Housing organizations, such as public and private housing providers, state housing coalitions and affordable housing advocates, affordable housing developers, and community-based development organizations;

²⁵ 24 C.F.R. § 5.158(a)

²⁶ 24 C.F.R. § 5.158(a)

²⁷ 24 C.F.R. § 5.158(a)

- 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.²⁸ 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;

²⁸ 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 91,²⁹ 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.³⁰ These program participants must consult with the agencies and organizations identified in consultation requirements at 24 C.F.R. part 91.³¹ 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:

²⁹ 24 C.F.R. §§ 91.105, 91.115, and 91.401

³⁰ 24 C.F.R. §§ 91.100 and 91.110

³¹ 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”).³² 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”).³³

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,³⁴ 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

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

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

³⁴ 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.³⁵

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.

³⁵ For more information on Title VI requirements for communicating with LEP individuals, see the various resources available at 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

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

³⁶ 24 C.F.R. § 5.162

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).

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.³⁷

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.³⁸

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.³⁹ 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. Revisions to the AFH are subject to community participation requirements⁴⁰ and must be submitted to HUD upon completion.⁴¹ 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

³⁷ 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).

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

³⁹ 24 C.F.R. § 5.164

⁴⁰ 24 C.F.R. § 5.164(c)

⁴¹ 24 C.F.R. § 5.164(d)

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,⁴² 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 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,⁴³ 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

⁴² 42 U.S.C. 5121 *et seq.*

⁴³ 24 C.F.R. § 5.164

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.⁴⁴ 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 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.

⁴⁴ 24 C.F.R. §§ 5.150-5.180

AFH Process and Timeline

- 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

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

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,⁴⁵ urban, suburban, majority

⁴⁵ 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.

4.1 Analysis of Fair Housing Data

The AFFH rule requires the analysis of data to complete the Assessment of Fair Housing.⁴⁶ 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.⁴⁷ 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.

⁴⁶ 24 C.F.R. § 5.154

⁴⁷ 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

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

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.

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

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.⁴⁸

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

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

⁴⁸ 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.

5.4 Assessment of Past Goals and Actions

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

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.⁴⁹ 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. § 5.152⁵⁰

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

⁴⁹ 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/>).

⁵⁰ 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. § 5.152⁵¹

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.

⁵¹ 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:

	Value	Level of Segregation
Dissimilarity Index Value (0-100)	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).

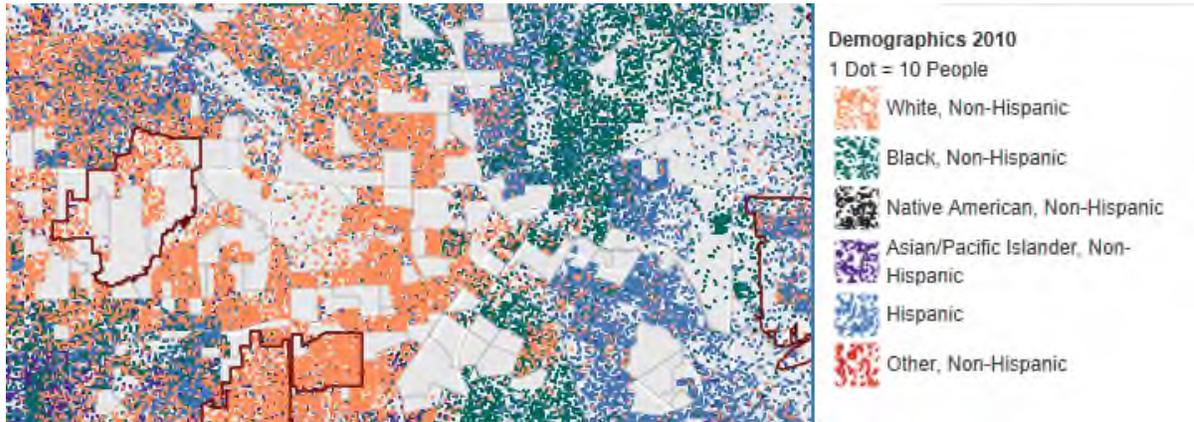
See appendix 7.2 for additional examples of how to use the HUD-provided data to answer questions in the AFH. Please note that program participants must supplement HUD-provided data with local data and local knowledge when conducting their AFH.

***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.

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.

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.⁵² 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

⁵² 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.

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

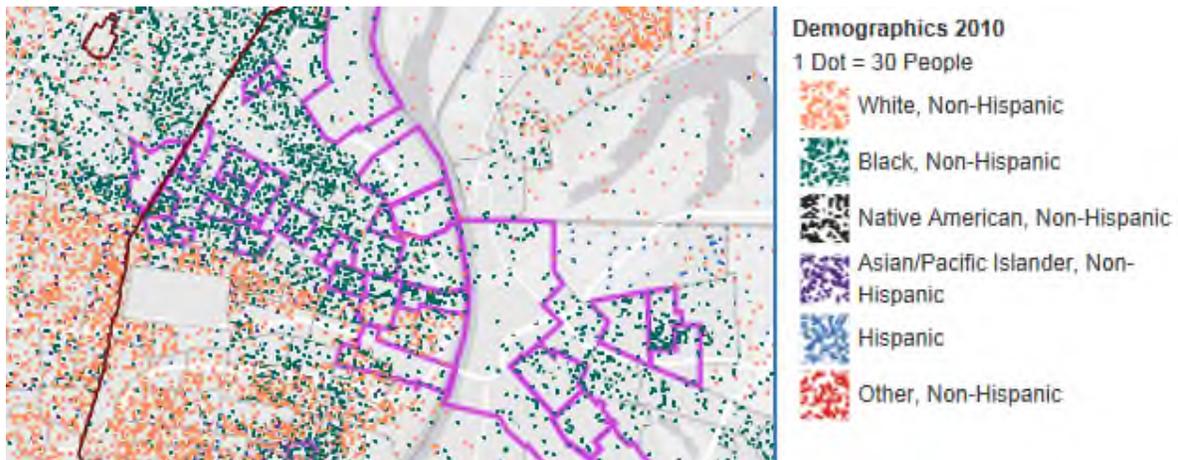
AFH Prompt(s): Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction. Which protected classes disproportionately reside in R/ECAPs compared to the jurisdiction and region? Describe how R/ECAPs have changed over time (since 1990).

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.

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.

Additional Information

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