

PRRAC

Poverty & Race Research Action Council

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GETTING THE MOST OUT OF HUD'S “AFFIRMATIVELY FURTHERING FAIR HOUSING” PROCESS

What is the AFH?

Last year, the U.S. Department of Housing and Urban rolled out a long-awaited regulation, the “Affirmatively Furthering Fair Housing” (AFFH) rule, requiring that jurisdictions assess their fair housing challenges, develop related goals, and deploy the results of the AFFH planning process in local and regional plans. The AFFH rule implements a provision of the Fair Housing Act that requires recipients of federal housing and community development funds to take meaningful steps to advance the aims of the act, which include addressing residential segregation and the unequal opportunities that accompany it.

The rule requires that recipients of HUD funds (such as states, localities, and public housing authorities) complete an “Assessment of Fair Housing” (AFH) that analyzes segregation and structural inequalities throughout the region. This process must draw upon HUD-provided data, local information, and community participation. The AFH documents barriers to fair housing and incorporates an “opportunity analysis” that examines access to environmental health, education, jobs, and other factors. These analyses are then used to identify goals and meaningful steps to address the problems identified, and to inform planning documents including the jurisdiction’s Consolidated Plan, Public Housing Agency Plan, and potentially other documents (such as transportation, environmental health, and education plans).

The AFH process, and particularly the public engagement process, can be an opportunity for advocates, practitioners, and experts within the community to make their concerns heard and shape planning processes and decisions at multiple stages. The public engagement component will be shaped on the ground, but has the potential to be highly effective as a platform enabling participants to document aspects of structural racism, specify the root causes of separate and unequal conditions, and shape concrete solutions. The rule requires, in addition to public hearings, outreach to constituent groups that may include other local agencies (such as the school district, department of public health and workforce development organizations); community groups that can inform the opportunity analysis (such as tenant groups, parent groups, and environmental justice activists); legal services advocates, fair housing and civil rights groups; and adjacent governments.

What are the opportunities for community-based groups?

In many ways, the AFH process will be what local groups make of it: inclusive community participation will be key. The rule’s vision is that local stakeholders will share the table as policymakers document inequities and identify meaningful goals to address them, with the potential to inform policies throughout the region. Focused and organized engagement by the community is crucial for this to become reality.

For community-based groups, the AFH offers the potential for opportunities such as:

Require that policymakers document and confront barriers to integration and opportunity. The AFH opportunity analysis encompasses a broad array of issues, such as transportation access and quality, school issues, job distribution, air quality, and multiple others, and while the AFH sets a floor for the

data that jurisdictions must use, it also solicits additional information and knowledge. Practitioners working throughout various fields can therefore insert their advocacy goals into the AFH process. This documentation process can stimulate coordination with, and among, agencies at all levels of government. It offers a point of engagement for fruitful new partnerships.

Inform planning and create accountability. HUD requires that the AFH inform specific documents, such as the Consolidated Plan, and local stakeholders may also seek to connect the AFH to other policies, such as smart growth, health, disaster-response, and other plans. The documentation and analysis of inequities in the AFH can be leveraged for legal, political, and budgetary accountability. Advocates can raise up specific needs and proposals to the public eye: for instance, zoning changes, infrastructure investments, transit improvements, or housing counseling programs.

Sharing and governance across local boundaries: The AFFH lens is a regional one. Advocates can ensure that the AFH accordingly reflects regional inequalities, and press for solutions that extend across boundaries. They can also identify ways in which state- and federal-level policies affect fair housing at the local level, and pursue appropriate goals.

How Can National and Other Groups Help?

The “AFFH” rule pioneers a new framework with unique potential for both cross-sectoral collaboration and the creation of a pipeline among community members, advocates, and policymakers. We view the implementation as an exciting opportunity for advocates, researchers, and practitioners to work together in developing new practices for cooperation and empowerment—and to expand such practices nationwide. For example, policy organizations and national groups can support community efforts in several ways:

Monitoring national implementation of the new AFFH rule: By participating with some of the first cities going through the AFFH process in 2017-18, we will learn more about the potential of the new rule to expand racial and economic justice, as well as some of the new rule’s challenges. This can inform recommendations for HUD to improve the implementation of the rule for future cities, counties, and PHAs.

Technical assistance in the community engagement process: Policy and membership organizations may be able to provide expertise in fair housing and the AFFH requirements in particular, as well as related areas of law and social science. Staff can work with the community to obtain and analyze local information, and frame it for maximum impact on the AFH. As capacity allows, this may include data analysis and mapping. These groups can also provide substantive trainings on the AFFH regulation for community based organizations, emphasizing the potential leverage that the community holds in the process.

Expand networks and capacity: Organizations that specialize in civil rights policy at the national level can complement the efforts of groups with local expertise and experience, and can help facilitate collaboration across various spheres, including academics, policy organizations, advocates, and practitioners. This includes offering intersectional connections in areas like job access, K-12 education, public health, and transportation equity

Document models that work: Membership and policy organizations can learn from the efforts of community groups in shaping and using the AFH, and use this research to inform the process in other jurisdictions, as well as to advocate for policies that support robust engagement and accountability.