

# PRRAC

## Poverty & Race Research Action Council

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### COMMUNITY PARTICIPATION PROCESS TIMELINE AND REQUIREMENTS

**Q: What is community participation?**

**A:** Community participation is required under the Affirmatively Furthering Fair Housing (AFFH) rule. While the U.S. Department of Housing and Urban Development (HUD) provides data and maps to be analyzed by program participants, there is also a strong emphasis on community participation, local data, and local knowledge to inform the development of a successful Assessment of Fair Housing (AFH).<sup>1</sup> If the community participation process lacks the required components, an AFH will be considered substantially incomplete and will not be accepted by HUD.<sup>2</sup>

**Q: How do local data and local knowledge contribute to the community participation process?**

**A:** Local data and knowledge are vital to a thorough AFH. Even though, HUD will provide data, it is only available for the protected classes where nationally uniform data exists. Thus, local data and knowledge, which includes information obtained through community participation, should be used to supplement the analysis in the AFH.<sup>3</sup> Both local data and knowledge have required elements provided in the definitions in the rule and if these are present, the local data and knowledge may not be ignored.<sup>4</sup> Using the community participation process to collect local data and knowledge will substantially reduce the burden on program participants by making the information readily available, which is one of those elements.<sup>5</sup>

**Q: What is the timeline for the community participation process?**

**A:** While there is no prescribed timeline for the community participation process, program participants are required 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, [Public Housing Authority] Plan, and other related planning documents.”<sup>6</sup> Ideally, this process should start early in order to be successful and ensure communities are informed and involved in important decisions impacting their lives.<sup>7</sup>

Consolidated program participants “must follow the policies and procedures described in its applicable citizen participation plan adopted pursuant to 24 C.F.R. part 91,<sup>8</sup> in the process of

1. See AFFH Rule Guidebook, 3.4 p. 23 (2015).
2. *Id*
3. See AFFH Rule Guidebook, 4.1.2 p. 47 (2015).
4. *Id.* At 50.
5. *Id.* At 49.
6. AFFH Rule Guidebook, 3.4.1 p. 25 (2015); 24 C.F.R. § 5.158(a).
7. AFFH Rule Guidebook, 3.4.1 p. 25 (2015).
8. 24 C.F.R. §§ 91.105, 91.115, and 91.401.
9. AFFH Rule Guidebook, 3.4.3 p. 28 (2015)



conducting the AFH, obtaining community feedback, and addressing complaints.”<sup>9</sup> According to the eCon Planning Suite Citizen Participation and Consultation Toolkit, HUD recommends starting the citizen participation process at least six months prior to the submission of the Consolidated Plan.<sup>10</sup> The same process should be used for the community participation process in the AFH. This will ensure enough time to successfully fulfill the following community participation requirements provided in the rule:

- 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 others 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. If submitting a revised AFH to HUD, the program participant must also provide for community participation before the revision is submitted.”<sup>11</sup>

Public Housing Agency (PHA) program participants must follow the provisions described in in 24 CFR §§ 903<sup>12</sup> in developing the AFH, obtaining Resident Advisory Board and community feedback, and addressing complaints. This includes, but is not limited to:

- 1.) At least 45 days prior to the public 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;
- 2.) At least 45 days prior to the public 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;
- 3.) Consider the recommendations of the Resident Advisory Board(s);
- 4.) Provide an opportunity for the submission of comments; and
- 5.) Conduct reasonable outreach activities to encourage broad public participation in the development of the AFH.<sup>13</sup>

**Q: What should I do if I have a complaint about the community participation process in my area?**

**A:** If you or your local community group has a complaint regarding the community participation process of the AFH, you should follow the procedure specified in the jurisdiction’s citizen participation plan for complaints. The jurisdiction is required to provide a “timely, substantive written response to every citizen complaint, within an established period of time (within 15 working days, where practicable, if the jurisdiction is a Community Development Block Grant recipient).”<sup>14</sup> We would also recommend filing a complaint with your jurisdiction’s local HUD Fair Housing and Equal Opportunity (FHEO) AFFH point of contact so they are aware of the issue when reviewing the AFH.

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10. <https://www.hudexchange.info/onecpd/assets/File/eCon-Planning-Suite-Citizen-Participation-Toolkit.pdf>, p. 9 (2014).

11. AFFH Rule Guidebook, 3.4.3 p. 29 (2015); 24 C.F.R. § 91.115.

12. 24 CFR §§ 903.13, 903.15, 903.17, and 903.19.

13. See AFFH Rule Guidebook, 3.4.3 p. 29 (2015); 24 CFR §§ 903.13, 903.15, 903.17, and 903.19.

14. 24 CFR § 91.105(j).