

PRRAC

Poverty & Race Research Action Council

740 15th St. NW • Suite 300 • Washington, DC 20005 • 202/866/0703

www.prrac.org

HUD'S "AFFIRMATIVELY FURTHERING FAIR HOUSING" REGULATION: AN INTRODUCTION

Q: What is HUD "Affirmatively Furthering Fair Housing" Regulation?

A: Every five years, participant jurisdictions must conduct an Assessment of Fair Housing (AFH). The AFH analyzes fair housing issues: aspects of discrimination, segregation, inadequate affordable housing, and lack of access to neighborhood "opportunity characteristics" (such as quality schools and environmental health). The AFH must also identify "meaningful actions" to address those issues. HUD has issued a template¹ and guidance for the structure of the AFH. The assessment requires a look at the participating locality's "housing issues," meaning not only adequate shelter, but also housing and neighborhoods as a means for quality of life.

Q: What data will be used to inform the AFH?

A: HUD has provided local data for the AFH, but the assessment also relies on a significant community participation process, and the gathering of local data and knowledge from sources such as other agencies, academics, practitioners, and advocates.

Q: What is the expected outcome of an AFH?

A: The key outcome of the AFH is the setting of concrete actions and goals that will influence local planning processes². This is why it is so important that diverse community members are involved in this process.

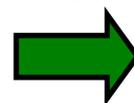
Q: How important are the findings of the AFH?

A: Very important. Each jurisdiction's goals are to be accompanied with concrete metrics for action, as well as a timeline, and should identify responsible actors. Goals and metrics should take meaningful steps to address fair housing issues and contributing factors, but should also be specific. Goals will reflect the individualized problem faced by each jurisdiction "on the ground," as informed by HUD - provided and local data, knowledge, and community participation.

1. Available at www.huduser.gov/portal/affht_pt.html#affh.

2. See 24 C.F.R. § 5.154 "...identifying goals to affirmatively further fair housing and to inform fair housing strategies in the consolidated plan, annual action plan, the PHA Plan and any other plan incorporated therein, and community plans including, but not limited to, education, transportation, or environmental related plans.

3. See AFFH regulation, 24 C.F.R. § 5.152, and HUD Assessment Tool at p.2, regarding use of local data and knowledge, including that gathered through public participation.



Elements of the AFH⁴

Community participation: Description of outreach activities, comments received from the community, and explanation required if comments are not accepted.

Past goals: (as identified in previous AFH, Analysis of Impediments, or other relevant planning documents): Discussion of progress, barriers, and future steps.

Fair housing analysis: (informed by data provided by HUD, as well as other sources such as community participation):

- Discussion of trends in the population;
- Patterns of segregation and “contributing factors” (such as community opposition to affordable housing; deteriorated and abandoned properties; displacement due to economic pressures; lack of community revitalization strategies; lack of public or private investments in specific neighborhoods; lack of regional cooperation; land use and zoning laws; location and type of affordable housing; occupancy codes and restrictions; and private discrimination);
- Identification of R/ECAPs (racially/ethnically concentrated areas of poverty and contributing factors);
- Disparities in access to opportunity, including access to financial services; quality of public transportation; lack of private or public investments in specific neighborhoods; land use and zoning laws; lending discrimination; location of employers; location of environmental health hazards; location and type of affordable housing.

Disproportionate housing needs: Analysis of housing costs, housing quality and suitability for living. Additionally, which groups are severely or disproportionately burdened, and contributing factors.

Publicly supported housing analysis:

For range of supported housing programs, including public housing, vouchers, and Low-Income Housing Tax Credit properties; the examination of the resident population, location and distribution (particularly with regard to segregated and racially/economically concentrated areas of poverty), and disparities in access to neighborhood opportunity characteristics; and contributed factors (such as site selection policies, need for housing counseling, discrimination by landlords, Qualified Allocation Plan incentives, etc).

Disability and access analysis: Includes distribution and integration of units, access to opportunity, and contributing factors.

Fair housing enforcement, outreach capacity, and resources analysis:

Examination of contributing factors such as lack of local private or public fair housing outreach and enforcement; lack of resources for fair housing agencies and organizations; lack of state or local fair housing laws; and unresolved violations of fair housing or civil rights law.

Goals and priorities: For each of the issues discussed above, the contributing factors are to be prioritized in order of their significance in affecting fair housing choice, access to opportunity, or fair housing or civil rights compliance⁵. The participant must set goals to overcome each significant contributing factor.

4. For more detail, refer to the HUD Assessment Tool, available at www.huduser.gov/portal/affht_pt.html#affhassesstab.

5. Further detail on contributing factors can be found in the Assessment Tool, available at www.huduser.gov/portal/sites/default/files/pdf/Assessment-of-Fair-Housing-Tool.pdf.