

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.



UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
UNITED STATES DEPARTMENT OF EDUCATION
UNITED STATES DEPARTMENT OF TRANSPORTATION

Dear Colleagues:

As the Secretaries of the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Education, and the U.S. Department of Transportation, we recognize that a growing body of research supports the benefits of socioeconomic and racial diversity in schools and communities, and that such diversity can help establish access points for opportunity and mobility. We also recognize that children raised in concentrated poverty or in communities segregated by socioeconomic status or race or ethnicity have significantly lower social and economic mobility than those growing up in integrated communities.

Rising economic segregation means that an increasing number of low-income households are located in distressed neighborhoods where they face challenges such as failing schools, high rates of crime, and inadequate access to services and jobs, making it harder for individuals and families to escape poverty. In addition, sprawling urban development patterns correlate with decreased economic opportunity and social mobility.

Today, our agencies are calling on local education, transportation, and housing leaders to work together on issues at the intersection of our respective missions in helping to guarantee full access of opportunity across the country. Our goals are to identify impediments to accessing opportunity; to coordinate efforts to address these issues and to provide broad-reaching benefits; and to ensure that every child and family is provided with transportation, housing, and education tools that promote economic mobility. The new process in which communities are engaging under the Affirmatively Furthering Fair Housing rule (AFFH rule) from HUD provides an opportunity for cross-agency collaboration and strong community involvement. We urge you to take full advantage of the community participation process of the AFFH rule, so that regional planning promotes economic mobility and equal access to the many benefits provided by affordable housing, great schools, and reliable transportation.

What is the new AFFH rule?

For more than 40 years, recipients of funding from HUD have been obligated by the Fair Housing Act (the Act) to reduce barriers to fair housing. The Act directs HUD and its program participants to affirmatively further the Act's goals of promoting fair housing and equal opportunity. HUD published its final rule on affirmatively furthering fair housing on July 16, 2015, to implement a process to help communities that receive HUD funding meet this long-standing obligation.

How can education and transportation organizations and stakeholders get involved?

The AFFH 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. The AFFH rule sets out a fair housing planning framework for HUD program participants. It represents a new tool that provides housing, transportation, and education stakeholders the chance to work together to develop thoughtful goals and strategies to promote fair housing choice and equal opportunity through, among other things, improved economic, education, and health outcomes for disadvantaged communities.

HUD strongly encourages regional coordination in preparing an Assessment of Fair Housing under the AFFH rule. The reason is simple: many of the issues at stake are not confined to any one local jurisdiction's borders, nor are the tools to address those issues always within the power of a single agency acting alone. Education and transportation stakeholders' engagement and input in the fair housing assessment are critical to ensuring each region realizes the vision for equal access to opportunity. This includes fair housing choice and educational opportunity throughout communities — both of which require strategic transportation investments. The success of the Nation's metropolitan regions and rural areas in ensuring equal access to opportunity for all will help set the stage not only for improved economic, educational, and health outcomes in our most disadvantaged communities, but also for sustainable economic growth and environmental stewardship for all our citizens. Below are some examples of how you can get involved.

State and local educational agencies are encouraged to:

- Develop strategies for drawing school attendance boundaries, selecting sites for new schools, and the placement of boundary-free open enrollment or lottery schools (such as charter schools or magnet schools and programs) with a specific aim of providing equal access to high-quality schools and increasing the diversity of the community served by these schools.
- Consult with transportation and housing authorities and housing development agencies when engaging in school site planning, in order to ensure safe passage to school for students and that high-performing schools serve diverse populations, including high-need students.
- Work with transportation and housing agencies to share important information on school achievement, graduation rates, and demographic composition to create housing and school choice opportunities that best address the unique needs of students, families, and communities and expand access to an excellent education.

Transportation agencies are encouraged to:

- Work with local schools, housing authorities, and housing development agencies to create good land use and planning strategies that foster ease of access to critical housing, school, and transportation resources for students, teachers, parents, and the broader community.

- Work with local schools and housing authorities to identify opportunities to align public transportation routes, sidewalk construction, and related bus stops with schools and housing facilities. Make sure that the transportation, sidewalks, and bus stops are accessible to individuals with disabilities.
- Enhance bicycle and pedestrian safety in and around local schools by including Safe Routes to School initiatives, Complete Streets design strategies, and other safety approaches.
- Include local school districts, housing authorities, Head Start programs, community colleges, and other related entities in developing coordinated mass transit plans.

HUD's Program Participants (States, Insular Areas, local governments, and public housing authorities) are encouraged to:

- Reach out to local education and transportation stakeholders during the community participation process, when developing their Assessment of Fair Housing, to share and obtain relevant data, policy decisions, and resources to inform the Assessment of Fair Housing and other future planning documents.
- Develop resource sharing opportunities and mechanisms, such as links to reports and data tools to support the development of Assessment of Fair Housing and other planning documents.

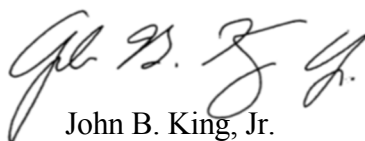
Where do we go from here?

We encourage your engagement and input into these critical conversations in your communities. Working together, local education, transportation, and housing and community development agencies, and communities as a whole, can realize the vision for well-connected public transportation networks and safer streets; optimal access to educational opportunity; and decent, safe, and affordable housing. Additional information on the AFFH rule can be found at <https://www.hudexchange.info/resources/documents/AFFH-FAQs.pdf>.

Sincerely,



Julián Castro
Secretary of Housing
and Urban Development



John B. King, Jr.
Secretary of Education



Anthony R. Foxx
Secretary of Transportation



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

OFFICE OF FAIR HOUSING
AND EQUAL OPPORTUNITY

APR 18 2016

MEMORANDUM FOR: All FHEO Regional Directors

FROM: George E. Williams, Jr., Deputy Assistant Secretary for
Office of Policy, Legislative Initiatives and Outreach, EC

SUBJECT: Protocols to Ensure Compliance with Existing Fair Housing and
Civil Rights Requirements until First AFH Submission

This memorandum establishes protocols to ensure that program participants who have an Analysis of Impediments to fair housing choice (AI) due in advance of their Assessment of Fair Housing (AFH), maintain compliance with fair housing and civil rights requirements until their first AFH submission.

The AFFH rule is clear that until such a time as program participants are required to submit an AFH, the program participant shall continue to conduct an Analysis of Impediments (24 C.F.R. §5.160(a)(3)). In order to maintain compliance with exiting requirements until the first AFH submission, the program participant should be aware they can maintain compliance in three ways:

1. **Maintain compliance with fair housing and civil rights by continuing to comply with existing requirements.** The AFFH rule is clear that the program participant must take necessary actions to maintain compliance with affirmative furthering fair housing requirements by continuing to comply with existing requirements until the first AFH is submitted (24 C.F.R. §5.160(a)(3)). This means conducting an AI or updating their current AI based on existing AI requirements.

Consolidated plan program participants can maintain compliance with previous AFFH requirements by:

- conducting an analysis to identify impediments to fair housing choice within the jurisdiction;
- taking appropriate actions to overcome the effects of any impediments identified through that analysis; and
- maintaining records reflecting the analysis and actions in this regard. See 24 C.F.R. part 91.

Public housing agency program participants can maintain compliance with previous AFFH requirements by:

- Examining its programs or proposed programs;
- Identifying any impediments to fair housing choice within those programs;
- Addressing those impediments in a reasonable fashion in view of resources available;

- Working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and
- Maintaining records reflecting these analyses and actions. See 24 C.F.R. part 903.

The program participant generally would not submit its updated AI for HUD review; however FHEO may encourage program participants to submit their AI to HUD for review. FHEO review should be used to facilitate technical assistance on fair housing planning. The Fair Housing Planning Guide is the primary resource material for AI requirements.

2. **Use the AFH framework to conduct their AI.** Conduct an AI or update their current AI using the AFH framework. For example, the AI may reflect HUD-provided data and any aspect of the AFH Assessment Tool, provided it is consistent with the jurisdiction's AI obligations. So, for example, the program participant may use the AFFH Data and Mapping Tool; refer to questions asked in the appropriate assessment tool published by HUD, and guidance materials, such as the AFFH Rule Guidebook, when completing an AI. Using the content requirements outlined at §5.154(d) of the AFFH rule to submit an AI would enable program participants to become familiar with the new AFH planning process, including practice with the HUD-provided data and with using the applicable Assessment Tool. The AFFH Rule and the AFFH Rule Guidebook is the primary resource material for AFH requirements.
3. **Submit an early AFH.** Nothing in the AFFH rule precludes a program participant from submitting its AFH early, as long as HUD-provided data and the HUD-provided AFH assessment Tool are available. However, program participants should note that the AFH must follow the community participation requirements at 24 C.F.R. §5.158 and that it will have to be revised subsequently if a material change occurs or upon written notification from HUD. A material change is a change in circumstances in the jurisdiction of a program participant that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect the actual circumstances. See 24 C.F.R. §5.164.

As a reminder, for all Consolidated Plan program participants the 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, 2017. However for local governments receiving less than \$500,000 in CDBG in FY2015, 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 January 1, 2018. See 24 C.F.R. §5.160. For PHA Plan program participants the AFH is due 270 days prior to the fiscal year for which a new 5-year plan is due, starting on or after January 1, 2018. However, for Qualified PHAs the AFH is due 270 days prior to the fiscal year for which a new 5-year plan is due, starting on or after January 1, 2019.

Please be mindful that there should be coordination with the program office to notify them of decisions made regarding early submission.