Affirmatively Furthering Fair Housing (AFFH) and the AFFH Rule
The AFFH Rule: Today

Mountain Plains NAHRO Conference
June 15-16, 2016
Park City, Utah
**What is AFFH?**

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:

1. **Exceed the requirements set forth in paragraphs (1), (2), and (3) of this section.**

2. **Children.** See definition of "community participation" in this section.

3. **Data.** The term "data" refers collectively to the sources of data provided in paragraphs (1), (2), and (3) of this section. When identification of the source of data in paragraphs (1), (2), and (3) is necessary, the specific source (HED provided data or local data) will be stated.

The term "HED provided data" as used in this paragraph means the data provided under section 5.152(h) of this part.

**Affirmatively furthering fair housing, means taking meaningful actions that:**

- Exceed the requirements set forth in paragraphs (1), (2), and (3) of this section.
- Address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns that foster socially and economically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

**Assessment tool.** The Assessment Tool is a tool that the HUD provides to communities to assess their progress in meeting the requirements of the AFFH regulations.

**Accessibility.** The Accessibility Tool is a tool that the HUD provides to communities to assess their progress in meeting the requirements of the AFFH regulations.

**Civil rights.** The Civil Rights Tool is a tool that the HUD provides to communities to assess their progress in meeting the requirements of the AFFH regulations.

**Compliance.** The Compliance Tool is a tool that the HUD provides to communities to assess their progress in meeting the requirements of the AFFH regulations.

**Data.** The term "data" refers collectively to the sources of data provided in paragraphs (1), (2), and (3) of this section.

**Disability.** The term "disability" means, with respect to an individual, a physical or mental impairment that substantially limits an or more major life activities of such individual.

**Housing and Community Development Act of 1974.** The Housing and Community Development Act of 1974, the statutory basis for "community participation" is "citizen participation" in the development of programs and activities that receive HUD assistance or grant money. The Act requires the Secretary of Housing and Urban Development to identify and publish in the Federal Register, the various views and recommendations of the local community regarding the development of programs and activities that receive HUD assistance or grant money.

**HUD.** The term "HUD" refers to the Department of Housing and Urban Development, a federal agency within the executive branch of the federal government.

**Local data.** Local data refers to data that is collected and maintained by local governments and other agencies.

**Population.** The term "population" refers to the number of people living in a particular area or region.
Fair Housing Planning: AI in accordance with existing HUD Regulations

- Consolidated Plan
- Action Plan
- CAPER
- AI
Fair Housing Planning: Under the AFFH Rule

AFH → ConPlan → Action Plan → CAPER
## AI v. AFH

<table>
<thead>
<tr>
<th>The AI</th>
<th>The AFH</th>
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<tbody>
<tr>
<td>Regulatory requirement to conduct an AI, but no regulatory requirements on the content of the AI or the particular analysis necessary for a thorough fair housing assessment.</td>
<td>The AFFH rule creates a regulatory mandate for required content and analysis.</td>
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<tr>
<td>No standard submission format</td>
<td>Program participants will use an Assessment of Fair Housing (AFH) online assessment tool to answer required questions</td>
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<tr>
<td>No assistance with data and maps</td>
<td>HUD will provide data and maps</td>
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<td>No mandate for HUD review and approval</td>
<td>The AFH will be reviewed and accepted or non-accepted by HUD</td>
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Initial AFH Timeline

AFH due to HUD

HUD review period

Notify of AFH status

Con Plan/PHA Plan Due

HUD Review Period

Program Year Start Date

[60 Days]

[45 Days]

[270 Days]
Invaluable Resource
Invaluable Resource

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The AFH
The AFH

The AFH is intended to help communities understand and identify local barriers to fair housing choice and disparities in access to opportunity.

- Analyze and discuss HUD-provided data as well as local data and knowledge.

- Identify fair housing issues in the jurisdiction and region and related contributing factors.

- Create goals that are designed to overcome significant contributing factors and related fair housing issues.

[See 24 CFR § 5.154(c) and (d)]
HUD’s review of an AFH is to determine whether the program participant has met the requirements for providing its analysis, assessment, and goal setting, as set forth in § 5.154(d).

[See 24 CFR § 5.162]
Acceptance of an AFH

The AFH will be deemed accepted 60 calendar days after the date that HUD receives the AFH, unless on or before that date, HUD has provided notification that HUD does not accept the AFH.

[See 24 CFR § 5.162]
When Would HUD Not Accept an AFH?

- The AFH is inconsistent with fair housing/civil rights laws
- The AFH is substantially incomplete

[See 24 CFR § 5.162]
Process for an AFH That is Not-Accepted

HUD will provide written notification to the program participant of HUD’s non-acceptance.

- Notification will specify the reasons why the AFH was not accepted.
- Notification will provide guidance on how the AFH should be revised in order to be accepted.
Revision and Resubmission

- Program participant can revise and resubmit the AFH within 45 calendar days.

- Revised AFH will be deemed accepted 30 calendar days after resubmission, unless HUD provides non-acceptance notification.

[See 24 CFR § 5.162(c)]
Collaboration

Joint participants, at least two of which are consolidated plan program participants. A PHA may participate in a regional assessment in accordance with PHA Plan participation requirements under 24 CFR 903.15(a)(1). Regionally collaborating participants conduct and submit a single AFH (regional AFH) in accordance with §5.156.

Technically, HOME Consortia are ONE entity
Assessment of Fair Housing Tool

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   B. General Issues
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      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 Analysis
VI. Fair Housing Goals and Priorities
VII. Appendices and Instructions
   A. Instructions
   B. Appendix A – HUD-Provided Maps
III. Community Participation Process:

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.

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V.A. Demographic Summary:

- Describe demographic patterns in the jurisdiction and region, and describe trends over time (since 1990).
- Describe the location of homeowners and renters in the jurisdiction and region, and describe trends over time.
V.B.iv. General Issues – Disproportionate Housing Needs

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?

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AFH Example

V.D. Disability and Access Analysis

Population Profile

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

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## Fair Housing Goals and Priorities

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

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