



NCHMA Spring Meeting

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FAIR HOUSING UPDATES

- **New AFFH Rule Published in July 2015**
- **Jurisdictional Assessment Tool Published in December 2015**
- **AFFH Guidebook Published in December 2015**
- **Mapping and data tools made available to the public December 2015**

- **April 4, 2016 Issuance of Guidance on the Fair Housing Act and the Use of Criminal Records by Housing Providers**
** addresses the discriminatory effects where there is a policy or practice that has an unjustified discriminatory effect*

<https://www.hudexchange.info/>





PURPOSE OF THE RULE

The purpose of AFFH is:

- **To improve fair housing choice for all through fair housing planning, strategies, and actions.**
- **Provide clearer standards.**
- **Provide greater technical assistance by HUD.**
- **Ensure stronger accountability systems governing fair housing planning, strategies, and actions.**
- **Assess issues related to fair housing choice; and**
- **Identify fair housing goals that will inform housing and community development policy and investment planning.**





AFFH AND RAD ADDRESSING KEY FAIR HOUSING ISSUES

- **Improve integrated living patterns and overcoming historic patterns of segregation**
- **Transform racially and ethnically concentrated areas of poverty (R/ECAPs) into areas with greater access to opportunity**
- **Reduce disparities in access to opportunity experienced by different protected classes**
- **Respond to disproportionate housing needs experienced by different protected classes**





THE AFFIRMATIVELY FURTHERING FAIR HOUSING MAPPING AND DATA TOOL (AFFH-T)

- **HUD provides grantees with a wide range of maps and data tables to support the process of completing the AFH**
- **The AFFH-T is a public-facing online tool to support community participation, a key element in the AFH**
- **Includes data from the Census Bureau, HUD, EPA and other multiple sources**
- **Uses standardized data that are consistent across all jurisdictions nationwide**
- **Data in the AFFH-T should be supplemented with local data and local knowledge**





AFFH AND RAD

- **To facilitate the program participant's analysis of fair housing issues, the HUD provided maps and tables show the following, for both the jurisdiction and the broader region:**
 - **Patterns of integration and segregation;**
 - **Racially or ethnically concentrated areas of poverty (R/ECAPs);**
 - **Disproportionate housing needs experienced by members of protected classes;**
 - **Access to opportunity (e.g. availability of quality schools, job centers, public transit or low cost transportation, low poverty neighborhoods, and limited environmental health hazards);**
 - **Fair housing issues related to publicly supported housing;**
 - **Fair housing issues related to disability and access; and**
 - **Fair housing issues related to fair housing enforcement, outreach capacity, and resources.**





AFFH AND RAD

HUD is currently providing data on five specific kinds of publicly supported housing. The Assessment Tool and instructions refer to these as “program categories.” The five program categories included in the HUD provided data are:

1. **Public Housing;**
2. **Project-Based Section 8;**
3. **Other HUD multifamily housing (includes both Section 202—Supportive Housing for the Elderly and Section 811—Supportive Housing for Persons with Disabilities);**
4. **Low Income Housing Tax Credit (LIHTC) housing; and**
5. **Housing Choice Vouchers (HCV).**

***Properties converted under the Rental Assistance Demonstration (RAD) are also relevant and must be assessed.**





SITE AND NEIGHBORHOOD STANDARDS

- **FHEO's Role:**
- **FHEO is responsible for reviewing site and neighborhood standards for sites for new construction and transfers of assistance (transfers of housing subsidies) to other sites when those sites are in areas of minority concentration.**





KEY ISSUES TO EVALUATE FOR A SITE AND NEIGHBORHOOD STANDARDS

FOR NEW CONSTRUCTION:

During a Site and Neighborhood Standards Review, HUD will evaluate two issues:

1. Is the area in which the new housing will be located in an “Area of Minority Concentration”; and
2. If so, does an exception apply that would allow the site to be approved?

[See: 24 C.F.R. 983.57(e)(2)]





AREA OF MINORITY CONCENTRATION

Definition:

An area where any one of the following statistical conditions exist:

- (a) The neighborhood's percentage of persons of a particular racial or ethnic minority is at least 20 percentage points higher than the percentage of that particular racial or ethnic minority in the housing market area;
- (b) The neighborhood's total percentage of minority persons is at least 20 percentage points higher than the total percentage of minorities in the housing market area; or
- (c) In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

NOTE: "non-minority area" = minority population of less than 10 percent





EXCEPTIONS TO THE RULE

The regulations allow for some new construction projects to be located in areas of minority concentration if one of the following applies:

- Overriding Need

[See: 24 C.F.R. 983.57(e)(3)(iii)]

- Comparable Housing Opportunities

[See: 24 C.F.R. 983(e)(3)(i)]





FACTORS TO CONSIDER

Look to the area surrounding the proposed site:

- Is it “an integral part of an overall local strategy for the preservation or restoration” of the neighborhood (i.e. a revitalizing area)? (Supports AFFH efforts)
- Are “comparable units” truly located outside areas of minority concentration, or are they located on the edge of census tracts bordering the minority concentrated tract?
- Are there programs and opportunities that have benefitted minority households, allowing them access to housing outside of minority concentrated areas? (i.e. Housing Choice Voucher, tax relief for homeowners, assisted housing)
- Have minority households actually been successful in finding units in non-minority areas?





“OTHER CONSIDERATIONS AND AFFH FRAMEWORK

While reviewing a site, HUD may also look to the current plans in place for the area in which the site sits. For example:

- Municipality/City/PHA action plan for revitalization of an area (i.e. efforts currently underway to address undesirable living conditions);
- Overall living conditions of those currently living in the area surrounding the proposed site; Amenities such as transportation options, services, employment, grocery stores;
- Accessibility to services and total cost of transportation (i.e. travel time/fares/quality of transportation systems) – Especially true for rural areas;





Questions?