

AFFH: FAQ for Program Participants

Q: What is an Assessment of Fair Housing (AFH)?

A: The Assessment of Fair Housing refers to the analysis undertaken pursuant to § 5.154 of the Rule in accordance with the requirements for consultation and community participation that includes an analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals, and is conducted and submitted to HUD using the Assessment Tool. The AFH will replace the current AI process. The AFH may be conducted and submitted by an individual program participant (individual AFH), or may be a single AFH conducted and submitted by two or more program participants (joint AFH) or two or more program participants at least two of which are consolidated plan program participants (regional AFH).

Q: Who must conduct an AFH?

A: Jurisdictions and Insular Areas that are required to submit consolidated plans for the following programs:

- The Community Development Block Grant (CDBG) programs
- The Emergency Solutions Grants (ESG) program
- The HOME Investment Partnerships (HOME) program; and
- The Housing Opportunities for Persons With AIDS (HOPWA) program

Public housing agencies (PHAs) receiving assistance under sections 8 or 9 of the United States Housing Act of 1937.

Q: When does a program participant have to submit their first Assessment of Fair Housing under the Rule?

A: AFHs will not be due immediately upon publication of the final rule. The due date for an AFH is based on each program participant's Consolidated Plan cycle or PHA Plan cycle. HUD is providing additional time for smaller jurisdictions (those that received less than \$500,000 in CDBG funds in FY2015), States, insular areas, and qualified PHAs to begin the new Assessment of Fair Housing process.

- For local governments that received over \$500,000 in CDBG funds in FY2015, the first AFH will be due 270 days prior to the program year that begins on or after January 1, 2017 for which a new consolidated plan is due, as provided in 24 CFR 91.15(b)(2).
- For States, insular areas, and local governments that received less than \$500,000 in CDBG funds in FY2015, and PHAs (other than qualified PHAs) the first AFH will be due 270 days prior to the program year that begins on or after January 1, 2018 for which a new consolidated plan is due, as provided in 24 CFR 91.15(b)(2).
- For PHAs (other than qualified PHAs) the first AFH will be due 270 days prior to the fiscal year that begins on or after January 1, 2018 for which a new 5-year plan is due.
- For qualified PHAs the first AFH will be due 270 days prior to the fiscal year that begins on or after January 1, 2019 for which a new 5-year plan is due.

The timeline below provides examples of deadlines for each type of program participant listed above:

For:

Local Governments that Received More than \$500k in FY2015 CDBG

If the next program year for which a new consolidated plan is due is:	2017				2018			
	Jan. 1st	April 1 st	July 1 st	Oct. 1 st	Jan. 1 st	April 1 st	July 1 st	Oct. 1 st
Your first AFH will be due*	April 6, 2016	July 5, 2016	Oct. 4, 2016	Jan 4, 2017	April 6, 2017	July 5, 2017	Oct. 4, 2017	Jan. 4, 2018

For:

States, Insular Areas

Local Governments that Received Less than \$500k in FY2015 CDBG

Non-qualified PHAs

If the next program year (Con Plan grantees) or fiscal year (PHAs) for which a new consolidated plan or PHA plan is due is:	2018				2019			
	Jan. 1st	April 1st	July 1st	Oct. 1st	Jan. 1st	April 1st	July 1st	Oct. 1st
Your first AFH will be due:*	April 6, 2017	July 5, 2017	Oct. 4, 2017	Jan. 4, 2018	April 6, 2018	July 5, 2018	Oct. 4, 2018	Jan. 4, 2019

For:

Qualified PHAs

If the next fiscal year for which a new 5-year PHA plan is due is:	2019				2020			
	Jan. 1st	April 1st	July 1st	Oct. 1st	Jan. 1st	April 1st	July 1st	Oct. 1st
Your first AFH will be due:*	April 6, 2018	July 5, 2018	Oct. 4, 2018	Jan. 4, 2019	April 6, 2019	July 5, 2019	Oct. 4, 2019	Jan. 4, 2020

* Note that HUD will provide program participants at least 9 months from the publication of a final Assessment Tool to submit an AFH, so these deadlines may be extended as appropriate.

Q: Where is the final AFH Assessment Tool located for the required analysis?

A: HUD is in the process of developing different AFH Assessment Tool Templates for different types of program participants. As made clear by the regulations, no program participant will be required to submit their AFH until at least 9 months after the publication of the Assessment Tool.

HUD published a draft AFH Assessment Tool Template designed for CPD entitlement jurisdictions and collaborations between entitlements and PHAs on September 26, 2014, that is available here [http://www.huduser.org/portal/affht_pt.html#affhassess-tab]. In accordance with the Paperwork Reduction Act, HUD will publish the Assessment Tool for another 30-day comment period, and hopes to publish a final AFH Assessment Tool for program participants this fall.

HUD will separately publish AFH Assessment Tool Templates for State grantees and for PHAs that choose to conduct their own assessments. Each of these publications will be announced in the Federal Register and will undergo a 60-day and subsequent 30-day comment period in accordance with the Paperwork Reduction Act. HUD will continue to update information on the HUD Exchange web page.

Q: As a CPD grantee, why should I do a Regional or Collaborative AFH?

A: CPD grantees are strongly encouraged to work with PHAs and neighboring jurisdictions to conduct and submit an AFH. Not only do many fair housing issues cross jurisdictional boundaries, but all entitlement grantees will be required to conduct a regional analysis whether or not they choose work with regional partners. Working regionally may help program participants ensure that their goals are consistent and collaborative, thereby making their goals more likely to be effective. Furthermore, there may be cost savings and less duplication of effort by working with partners. The rule provides flexibility to encourage such collaborations, including the alignment of planning processes. HUD will provide additional guidance and technical assistance to help program participants form these types of partnerships.

Q: What steps has HUD taken to reduce burden for program participants?

A: The obligation to affirmatively further fair housing is a legal duty, but HUD has made considerable effort to reduce burdens associated with the Assessment of Fair Housing process and will provide additional assistance through the AFH process to help program participants conduct and submit their AFHs. These efforts include:

- HUD has created a model for cooperation where PHAs, CDBG entities, and/or States can work with each other in conducting and submitting an AFH. Participating with another program participant greatly reduces the burden on any one individual program participant and could provide a more robust analysis.
- HUD is delaying implementation and allowing program participants to move their submission dates to align with other submissions, creating flexibility that will reduce burden and timing concerns.

- HUD is providing data for program participants to use in conducting the AFH, thus reducing the need for program participants to obtain that data from third party sources.
- HUD is providing an Assessment Tool that program participants will use in conducting the Assessment of Fair Housing (AFH), which includes instructions that guide program participants through the required analyses, reducing the need for program participants to use third-party consultants.
- HUD will provide guidance, targeted technical assistance, and training to assist program participants in developing their AFH submissions.

Q: As a PHA, how do I fulfill my obligation to conduct the AFH? How do I determine which AFH is applicable for our submission?

A: PHAs may complete an AFH in the following ways:

- PHAs may work with the entity (CDBG Jurisdiction or State Jurisdiction) with whom they certify consistency with the Consolidated Plan (“certifying entity”). This is highly encouraged, as it will reduce the burden of conducting and submitting an AFH.
- PHAs may work with other PHAs to conduct and submit an AFH.
- PHAs may conduct and submit the AFH alone.

Depending on how a PHA chooses to submit, a different AFH Assessment Tool may be required for submission. For example, if a PHA chooses to submit with either its certifying entity or some combination of its certifying entity and other PHAs, it will submit using the AFH Assessment Tool for joint participants. If a PHA chooses to submit with other PHAs or alone, it will submit a PHA-only AFH Assessment Tool. Each of these templates will be developed and published for notice and comment in accordance with the Paperwork Reduction Act, allowing for public feedback on the Assessment Tools.

Q: Is HUD abandoning community revitalization and emphasizing disinvestment in areas of a community where residents are exposed to segregation or racially or ethnically concentrated areas of poverty?

A: HUD strongly encourages community revitalization in all communities where segregation or racially/ethnically concentrated areas of poverty exist. AFFH promotes a balanced approach where both place-based solutions; such as targeted investment or community revitalization in racially concentrated areas of poverty, and mobility solutions; such as expanding mobility for protected classes to areas with better access to jobs, transportation and education, may be appropriate.

AFFH is not about excluding investment in areas where segregation may be present or in racially or ethnically concentrated areas of poverty, nor does AFFH mandate that CPD entitlement jurisdictions or PHAs change the siting of fixed assets that lie in segregated areas and/or racially or ethnically concentrated areas of poverty. AFFH provides a method for CPD entitlement jurisdictions and PHAs to analyze the effects of siting and develop goals to address fair housing issues that arise from those patterns. Goals relating to siting, for example, may include providing residents of those sites with better access to areas of opportunity, or engaging in targeted investment to improve the surrounding neighborhoods.