



The New Affirmatively Furthering Fair Housing Rule

On July 16, 2015, the US Department of Housing and Urban Development released its final rule on Affirmatively Furthering Fair Housing – 47 years after passage of the Fair Housing Act that it is intended to implement. This Fact Sheet is designed to provide a basic overview of the new rule.

What is Affirmatively Furthering Fair Housing?

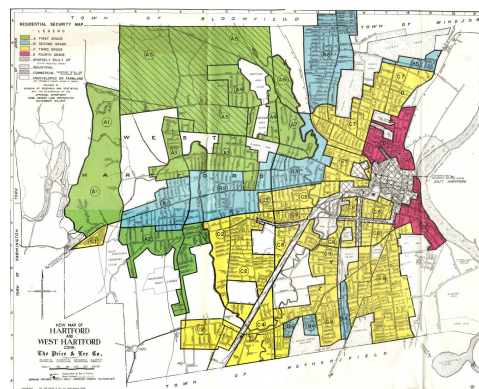
Taking meaningful actions [to] ... address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.ⁱ

Why do we need it?

The duty of affirmatively furthering is a recognition that intentional and affirmative steps are needed to counteract the decades of social engineering undertaken by state and federal governments which generated segregated living patterns and limited housing choice for people of color and other groups protected by the Fair Housing Act.ⁱⁱ

Who does the new rule apply to?

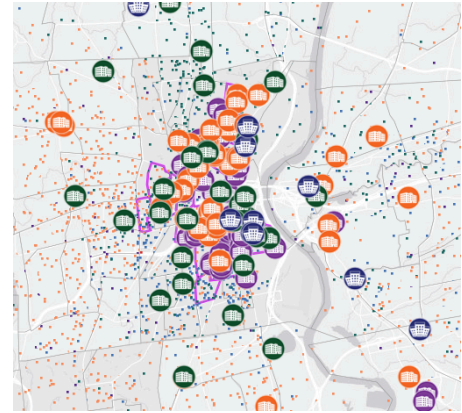
1. Jurisdictions and Insular Areas that are required to submit consolidated plans for the following programs:
 - Community Development Block Grant
 - Emergency Shelter Grant
 - HOME Investment Partnership
 - Housing Opportunities for People with AIDS
2. Public Housing Authorities receiving assistance under sections 8 or 9 of the United States Housing Act of 1937.ⁱⁱⁱ



Redlining map of the Hartford area from 1937. Redlining was a government practice of identifying “risky” neighborhoods where home loans would not be made based in part on higher percentages of residents of color.

What does the new rule require?

1. **FAIR HOUSING ASSESSMENT.** Grant recipients are required to conduct a Fair Housing Assessment at least once every five years. This assessment must include:
 - **ENGAGEMENT.** Engage the community in fair housing planning and adhere to community participation requirements.^{iv}
 - **ASSESSMENT.**
 - i. Use the Assessment Tool provided by HUD.^v
 - ii. Analyze fair housing issues and contributing factors in their jurisdictions and regions.^{vi}
 - **GOALS.** Set goals to address identified significant contributing factors and related fair housing issues and follow through on these goals in the Consolidated Plan and/or PHA Plan.^{vii}
2. **ACTION.** Take meaningful actions that AFFH and not take any action that is inconsistent with the duty to AFFH. See 24 CFR § 5.150 and § 5.162.
3. **ADJUSTMENT.** Look back and make adjustments to previously established fair housing goals to ensure that progress occurs. See 24 CFR § 5.154(d)(7).



Sample map from the beta version of HUD's Affirmatively Furthering Fair Housing Tool. Large dots indicate: Public Housing, Other Multifamily, Project-Based Section 8, Low Income Housing Tax Credit units.

Of Note...

- The new rule requires that the grantee's fair housing assessments and goals be incorporated into their Consolidated Plan and Public Housing Authority Plan.
- The rule encourages regional approaches and allows joint regional Fair Housing Assessments.
- The rule creates a HUD review process with clear standards and technical assistance that reinforces the value of fair housing.
- **Deadlines:** Deadlines are listed at 24 CFR § 5.160 and are staggered depending on grantee type and current Consolidated Plan schedule. The earliest Fair Housing Assessments are due in April 2016. There is delayed submission for:
 - (1) Qualified PHAs (public housing units + Sec. 8 = less than 550, not troubled, not SEMAP failing for prior 12 months)
 - (2) CDBG recipients receiving a grant of \$500,000 or less.^{viii}

Resources:

HUD's AFFH Materials: http://www.huduser.gov/portal/affht_pt.html#final-rule.

HUD's FAQ for Program Participants: <https://www.hudexchange.info/resources/documents/AFFH-FAQs.pdf>.

HUD's Assessment Mapping and Data Tool (beta):
http://www.huduser.gov/portal/affht_pt.html#affhassess-tab .

National Fair Housing Alliance's Materials:
<http://www.nationalfairhousing.org/PublicPolicy/AffirmativelyFurtheringFairHousing/tabid/4261/Default.aspx>.

Opportunity Agenda's Materials: http://opportunityagenda.org/affirmatively_furthering_fair_housing.

ⁱ HUD Fact Sheet on Affirmatively Furthering Fair Housing, available at <http://www.huduser.gov/portal/sites/default/files/pdf/AFFH-Fact-Sheet.pdf>.

ⁱⁱ Map provided courtesy of Professor Jack Dougherty of Trinity College.

ⁱⁱⁱ See 24 CFR § 5.154(b).

^{iv} See 24 CFR § 5.158.

^v See 24 CFR § 5.154(d). Tool is available at http://www.huduser.org/portal/affht_pt.html#affhassess-tab.

^{vi} See 24 CFR § 5.154(d)(3) and (4).

^{vii} See 24 CFR § 5.154(d)(4)(iii).

^{viii} See HUD's Frequently Asked Questions for more details on deadlines:
<https://www.hudexchange.info/resources/documents/AFFH-FAQs.pdf>.