

Affirmatively Furthering Fair Housing

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Affirmatively Furthering Fair Housing (AFFH) Insuring Equal Access to Housing

www.hud.gov/offices/fheo/promotingfh.cfm

HUD and AFFH

➤ HUD is required under the Fair Housing Act to administer its programs and activities in a manner that affirmatively furthers its policies:

- Promote non-discrimination
- Ensure fair and equal housing opportunities for all
- Provide services and activities in a nondiscriminatory manner
- Affirmatively further fair housing

The Affirmative Obligation

HUD funded recipients share HUD's responsibility to affirmatively further fair housing.

The Affirmative Obligation requires HUD and its Recipients to do something more than simply refrain from discriminating.

Affirmatively Furthering Fair Housing and CDBG

- The Community Development Block Grant Program (CDBG) is primarily regulated by the Housing and Community Development Act (HCDA) of 1974, as amended
- HCDA requires that each HUD funded recipient certify, in the Consolidated Plan, that:
 - The awarded grant will be carried out and administered according to the Fair Housing Act; and
 - The Grantee will work diligently to Affirmatively Further Fair Housing (AFFH)

**AFFH Certification
The Consolidated Plan**

- Under the Consolidated Plan, HUD funded recipients are required to:
 - Comply with the non-discrimination requirements of the Fair Housing Act
 - Examine and attempt to alleviate housing discrimination within their jurisdiction
 - Promote fair housing choice for all persons

**AFFH Certification
The Consolidated Plan**

- Under the Consolidated Plan, HUD funded recipients are required to:
 - Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin
 - Promote housing that is accessible to and usable by persons with disabilities

Fair Housing Planning

As part of the
Consolidated Plan,
recipients are required
to undertake
Fair Housing Planning

Fair Housing Planning

Fair Housing Planning consists of the following:

- An Analysis of Impediments (AI) to fair housing choice
- Actions to address the effects of the identified impediments
- Maintenance of records to support the affirmatively furthering fair housing certification

Affirmatively Furthering Fair Housing and Public Housing

Public Housing Authorities (PHAs) must enforce their tenant selection and assignment plans in a nondiscriminatory manner and must take affirmative steps to reduce “racial and national origin concentrations.” (24 CFR 903.2(d)(1) and (2))

Affirmatively Furthering Fair Housing and Public Housing

Under the Quality Housing and Work Responsibility Act of 1998, PHAs are required to submit a Public Housing Agency Plan (PHAP).

PHAs must certify to the affirmatively furthering fair housing requirements in their annual PHAP.

PHAs may conduct their own AIs or ensure their annual PHAPs are consistent with the applicable jurisdiction's Consolidated Plan and AIs.

Affirmatively Furthering Fair Housing and Public Housing

Civil Rights Certification Requirements:

- Examine the PHA’s programs or proposed programs
- Identify any impediments to fair housing choice within those programs
- Address those impediments in a reasonable fashion in view of the resources available

Affirmatively Furthering Fair Housing and Public Housing

Civil Rights Certification Requirements:

- Work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require PHA involvement
- Maintain records reflecting these analyses and actions

IDENTIFYING BARRIERSTO FH CHOICE

Questions to ask and address:

- Do site decisions perpetuate segregation by race/national origin?
- Is housing for the elderly approved even though data shows unmet needs for housing for the disabled or families?
- Are zoning ordinances or laws limiting housing development?

IDENTIFYING BARRIERSTO FH CHOICE

Questions to ask and address:

- Are other zoning, land use, funding limits or denials restricting access in other ways?
- What has the Recipient done when made aware and has evidence of patterns of private discrimination which perpetuate segregation or deny housing choices?

IDENTIFYING BARRIERSTO FH CHOICE

Questions to ask and address:

- Are local residency preferences or other preferences being used which have the effect of limiting housing choice based on race, national origin, familial status, disability?
- Is the Recipient limiting opportunities for housing for homeless persons?

IDENTIFYING BARRIERSTO FH CHOICE

Questions to ask and address:

- How does the Recipient respond to reported hate crimes, bias crimes, high levels of neighborhood or official intolerance toward members of a protected class?
- Do studies and/or reports indicate discriminatory selection, exclusion or segregation of beneficiaries on a large scale in the Jurisdiction?

TAKE ACTIONTO OVERCOME THE BARRIERSTO FH CHOICE

Overall objective of AFFH requires Recipients to address the barriers by:

- Analyzing and eliminating housing discrimination in the Jurisdiction
- Promoting FH choice for all persons
- Providing opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability and national origin

TAKE ACTION TO OVERCOME THE BARRIERS TO FH CHOICE

Overall objective of AFFH requires Recipients to address the barriers by:

- Promoting housing that is structurally accessible to, and usable by, persons with disabilities
- Fostering compliance with the nondiscrimination provisions of the Federal Fair Housing Act

Affirmatively Furthering Fair Housing and Multi-Family Housing

Each applicant for HUD multifamily projects should submit an Affirmative Fair Housing Marketing Plan (AFHMP) form HUD-935.2A to HUD's Office of Fair Housing.

Submit the most recent version of the form, which currently is dated 12/2011.

<http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.pdf>

AFHMPS-THE PURPOSE

➤ **NON DISCRIMINATION:** Help HUD recipients of multifamily programs offer equal housing opportunities without regard to race, color, national origin, religion, sex, family status or disability

➤ **AFFIRMATIVE MARKETING:** Help HUD recipients of multifamily programs effectively market housing opportunities to persons least likely to apply for housing

AFHMPS-THE GOAL

HUD MFH Projects should set an example to the community by creating a diverse population within its apartment communities.

Affirmative Fair Housing Marketing Plans

- For new construction the Plan must be submitted prior to the beginning of any tenancing and must be approved no later than 90 days prior to occupancy/opening.
- For existing projects, an updated Plan should be submitted after any change in ownership, operations or other management changes.
- Plans must be reviewed every 5 years, and changes should be made and submitted as necessary.

AFHMPS-WHATTO DO:

- Establish a marketing plan directed to those protected classes least likely to apply for housing
- Outline the steps to be taken to reach those protected classes, using local community contacts, newspaper ads, radio, TV spots, brochures, signs, posters

AFHMPS-WHAT TO DO:

- Make the approved Plan available for public inspection in the rental office
- Prominently display the HUD Fair Housing Poster in all offices in which rental activities take place
- Train all staff in Federal, State and local fair housing laws

AFHMPS-WHAT TO DO:

- Maintain a system of records on the racial, ethnic and disability status of approved eligible families and make this information available to HUD for review
- Maintain documents of activities taken to implement the approved Plan, such as copies of advertisements, brochures, letters to community organizations, photographs of project signs

QUESTIONS????
