

## **HUD's Notice of Proposed Rulemaking on Affirmatively Furthering Fair Housing**

Local governments and States that receive Community Development Block Grants (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons With AIDS (HOPWA), as well as public housing agencies (PHAs) are required to affirmatively further the purposes of the Fair Housing Act. To better facilitate this obligation, as well as address issues raised by the Government Accountability Office, HUD proposes an improved structure and process whereby HUD would provide these program participants with guidance, data, and an assessment template from which they would complete an assessment of fair housing (the AFH). This assessment would then link to Consolidated Plans, PHA Plans, and Capital Fund Plans, meaningfully informing resulting investments and related policies to affirmatively further fair housing.

The AFH focuses program participants' analysis on four primary goals: improving integrated living patterns and overcoming historic patterns of segregation; reducing racial and ethnic concentrations of poverty; reducing disparities by race, color, religion, sex, familial status, national origin, or disability in access to community assets such as education, transit access, and employment, as well as exposure to environmental health hazards and other stressors that harm a person's quality of life; and responding to disproportionate housing needs by protected class. HUD would provide all program participants with nationally uniform data on these four areas of focus as well as outstanding discrimination findings. Once program participants have analyzed the HUD data, as well as local or regional information they choose to add, they would identify the primary determinants influencing fair housing conditions, prioritize addressing these conditions, and set one or more goals for mitigating or addressing their determinants.

The proposed rule encourages local governments, States, and PHAs to work together on the AFH, and also facilitates regional AFHs that cover regions that need not be contiguous and may even cross state boundaries. The AFH would also reflect substantial public input through community participation and stakeholder consultation.

Once program participants have completed the AFH, they would submit the AFH to HUD on the same cycle as they complete their Consolidated Plan or, for PHAs, either on a similar timetable (if the AFH is completed collaboratively with the relevant jurisdiction) or annually. Program participants would submit their initial AFH at least 270 days before the start of the program year, a time frame that would be shortened to at least 195 days for subsequent AFHs. HUD may return the AFH, or a portion of the assessment, if it violates fair housing or civil rights laws or is substantially incomplete, which includes priorities or goals that are materially inconsistent with the data provided by HUD. The AFH would be deemed accepted 60 calendar days after the date that HUD receives the AFH, unless before that date HUD provides notification that HUD does not accept the AFH, the reasons why HUD has not accepted the AFH, and the actions that the jurisdiction may take to address these reasons.

Once HUD accepts the AFH, program participants will incorporate the AFH findings into subsequent plans. The Con Plan would describe how the priorities and specific objectives of the jurisdiction would affirmatively further fair housing by setting forth strategies and actions consistent with the goals and other elements identified in the AFH, and the annual Action Plan would specify actions to be taken during the next year that address fair housing issues identified in the AFH. Similarly, PHAs would indicate how they would address fair housing issues and determinants in its programs that reflect the AFH.