

# Assessment of Fair Housing Tool for Local Governments

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PHA Insert

**I. Cover Sheet**

1. Submission date:
2. Submitter name:
3. Type of submission (*e.g.*, single program participant, joint submission):
4. Type of program participant(s) (*e.g.*, consolidated plan participant, PHA):
5. For PHAs, Jurisdiction in which the program participant is located:
6. Submitter members (if applicable):
7. Sole or lead submitter contact information:
  - a. Name:
  - b. Title:
  - c. Department:
  - d. Street address:
  - e. City:
  - f. State:
  - g. Zip code:
8. Period covered by this assessment:
9. Initial, amended, or renewal AFH:
10. To the best of its knowledge and belief, the statements and information contained herein are true, accurate, and complete and the program participant has developed this AFH in compliance with the requirements of 24 C.F.R. §§ 5.150-5.180 or comparable replacement regulations of the Department of Housing and Urban Development;
11. The program participant will take meaningful actions to further the goals identified in its AFH conducted in accordance with the requirements in §§ 5.150 through 5.180 and 24 C.F.R. §§ 91.225(a)(1), 91.325(a)(1), 91.425(a)(1), 570.487(b)(1), 570.601, 903.7(o), and 903.15(d), as applicable.

\*\*\***(Print Name)**      **(Program Participant/Title)**      **(Signature)** **(date)**

\*\*\***(Print Name)**      **(Program Participant/Title)**      **(Signature)** **(date)**

\*\*\***(Print Name)**      **(Program Participant/Title)**      **(Signature)** **(date)**

Comments

## **II. Executive Summary**

1. Summarize the fair housing issues, significant contributing factors, and goals. Also include an overview of the process and analysis used to reach the goals.

## **III. Community Participation Process**

1. Describe outreach activities undertaken to encourage and broaden meaningful community participation in the AFH process, including the types of outreach activities and dates of public hearings or meetings. Identify media outlets used and include a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs, persons who are limited English proficient (LEP), and persons with disabilities. Briefly explain how these communications were designed to reach the broadest audience possible. For PHAs, identify your meetings with the Resident Advisory Board and other resident outreach.
2. Provide a list of organizations consulted during the community participation process.
3. Describe whether the outreach activities elicited broad community participation during the development of the AFH. If there was low participation, or low participation among particular protected class groups, what additional steps might improve or increase community participation in the future, including overall participation or among specific protected class groups?
4. Summarize all comments obtained in the community participation process. Include a summary of any comments or views not accepted and the reasons why.

## **IV. Assessment of Past Goals, Actions and Strategies**

1. Indicate what fair housing goals were selected by program participant(s) in recent Analyses of Impediments, Assessments of Fair Housing, or other relevant planning documents:
  - a. Discuss what progress has been made toward the achievement of fair housing goals.
  - b. Discuss how successful in achieving past goals, and/or how it has fallen short of achieving those goals (including potentially harmful unintended consequences).
  - c. Discuss any additional policies, actions, or steps that the program participant could take to achieve past goals, or mitigate the problems it has experienced.
  - d. Discuss how the experience of program participant(s) with past goals has influenced the selection of current goals.

## **V. Fair Housing Analysis**

### **A. Demographic Summary**

1. Describe demographic patterns in the jurisdiction and region, and describe trends over time (since 1990).

**B. General Issues**

**i. Segregation/Integration**

**1. Analysis**

- a. Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.
- b. Identify areas in the jurisdiction and region with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.
- c. Explain how these segregation levels and patterns in the jurisdiction and region have changed over time (since 1990).
- d. Consider and describe the location of owner and renter occupied housing in the jurisdiction and region in determining whether such housing is located in segregated or integrated areas, and describe trends over time.
- e. Discuss whether there are any demographic trends, policies, or practices that could lead to higher segregation in the jurisdiction in the future. Participants should focus on patterns that affect the jurisdiction and region rather than creating an inventory of local laws, policies, or practices.

**2. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about segregation in the jurisdiction and region affecting groups with other protected characteristics.
- b. The program participant may also describe other information relevant to its assessment of segregation, including activities such as place-based investments and geographic mobility options for protected class groups.

**3. Contributing Factors of Segregation**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of segregation.*

- Community opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation

- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Loss of affordable Housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination
- Other

**ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)**

**1. Analysis**

- Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction and region.
- Describe and identify the predominant protected classes residing in R/ECAPs in the jurisdiction and region. How do these demographics of the R/ECAPs compare with the demographics of the jurisdiction and region?
- Describe how R/ECAPs have changed over time in the jurisdiction and region (since 1990).

**2. Additional Information**

- Beyond the HUD-provided data, provide additional relevant information, if any, about R/ECAPs in the jurisdiction and region affecting groups with other protected characteristics.
- The program participant may also describe other information relevant to its assessment of R/ECAPs, including activities such as place-based investments and geographic mobility options for protected class groups.

**3. Contributing Factors of R/ECAPs**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of R/ECAPs.*

- Community opposition
- Deteriorated and abandoned properties
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of local or regional cooperation
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Location and type of affordable housing
- Loss of affordable Housing
- Occupancy codes and restrictions
- Private discrimination

- Source of income discrimination
- Other

### iii. **Disparities in Access to Opportunity**

#### 1. **Analysis**

##### **a. Education**

- For the protected class groups HUD has provided data, describe any disparities in access to proficient schools in the jurisdiction and region.
- For the protected class groups HUD has provided data, describe how the disparities in access to proficient schools relate to residential living patterns in the jurisdiction and region.
- Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to proficient schools.

##### **b. Employment**

- For the protected class groups HUD has provided data, describe any disparities in access to jobs and labor markets by protected class groups in the jurisdiction and region.
- For the protected class groups HUD has provided data, describe how disparities in access to employment relate to residential living patterns in the jurisdiction and region.
- Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to employment.

##### **c. Transportation**

- For the protected class groups HUD has provided data, describe any disparities in access to transportation related to costs and access to public transit in the jurisdiction and region.
- For the protected class groups HUD has provided data, describe how disparities in access to transportation related to residential living patterns in the jurisdiction and region.
- Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to transportation.

##### **d. Access to Low Poverty Neighborhoods**

- For the protected class groups HUD has provided data, describe any disparities in access to low poverty neighborhoods in the jurisdiction and region.

- ii. For the protected class groups HUD has provided data, describe how disparities in access to low poverty neighborhoods relate to residential living patterns of those groups in the jurisdiction and region.
- iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to low poverty neighborhoods.

**e. Access to Environmentally Healthy Neighborhoods**

- i. For the protected class groups HUD has provided data, describe any disparities in access to environmentally healthy neighborhoods in the jurisdiction and region.
- ii. For the protected class groups HUD has provided data, describe how disparities in access to environmentally healthy neighborhoods relate to residential living patterns in the jurisdiction and region.
- iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to environmentally healthy neighborhoods.

**f. Patterns in Disparities in Access to Opportunity**

- i. For the protected class groups HUD has provided data, identify and discuss any overarching patterns of access to opportunity and exposure to adverse community factors. Include how these patterns compare to patterns of segregation, integration, and R/ECAPs. Describe these patterns for the jurisdiction and region.
- ii. Based on the opportunity indicators assessed above, identify areas that experience: (a) high access; and (b) low access across multiple indicators.

**2. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disparities in access to opportunity in the jurisdiction and region affecting groups with other protected characteristics.
- b. The program participant may also describe other information relevant to its assessment of disparities in access to opportunity, including any activities aimed at improving access to opportunities for areas that may lack such access, or in promoting access to opportunity (e.g., proficient schools, employment opportunities, and transportation).

**3. Contributing Factors of Disparities in Access to Opportunity**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disparities in access to opportunity.*

- Access to financial services



- Availability, type, frequency, and reliability of public transportation
- Impediments to mobility
- Lack of access to opportunity due to high housing costs
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Loss of affordable Housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination
- Other

**iv. Disproportionate Housing Needs**

**1. Analysis**

- a. Which protected class groups (by race/ethnicity and familial status) experience higher rates of housing problems (cost burden, overcrowding, or substandard housing) when compared to other groups for the jurisdiction and region? Which groups also experience higher rates of severe housing cost burdens when compared to other groups?
- b. Which areas in the jurisdiction and region experience the greatest housing burdens? Which of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the predominant race/ethnicity or national origin groups in such areas?
- c. Compare the needs of families with children for housing units with two, and three or more bedrooms with the available existing housing stock in each category of publicly supported housing for the jurisdiction and region.
- d. Describe the differences in rates of renter and owner occupied housing by race/ethnicity in the jurisdiction and region.

**2. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the jurisdiction and region affecting groups with other protected characteristics.
- b. The program participant may also describe other information relevant to its assessment of disproportionate housing needs. For PHAs, such information may include a PHA's overriding housing needs analysis.

**3. Contributing Factors of Disproportionate Housing Needs**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disproportionate housing needs.*

- Availability of affordable units in a range of sizes
- Displacement of residents due to economic pressures
- Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
- Lack of access to opportunity due to high housing costs
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Lending discrimination
- Loss of affordable Housing
- Source of income discrimination
- Other

### **C. Publicly Supported Housing Analysis**

#### **1. Analysis**

##### **a. Publicly Supported Housing Demographics**

- Are certain racial/ethnic groups more likely to be residing in one program category of publicly supported housing than other program categories (public housing, project-based Section 8, Other Multifamily Assisted developments, and Housing Choice Voucher (HCV)) in the jurisdiction?
- Compare the racial/ethnic demographics of each program category of publicly supported housing for the jurisdiction to the demographics of the same program category in the region.
- Compare the demographics, in terms of protected class, of residents of each program category of publicly supported housing (public housing, project-based Section 8, Other Multifamily Assisted developments, and HCV) to the population in general, and persons who meet the income eligibility requirements for the relevant program category of publicly supported housing in the jurisdiction and region. Include in the comparison, a description of whether there is a higher or lower proportion of groups based on protected class.

##### **b. Publicly Supported Housing Location and Occupancy**

- Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, Other Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs in the jurisdiction and region.
- Describe patterns in the geographic location for publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in

relation to previously discussed segregated areas or R/ECAPs in the jurisdiction and region.

- iii. How does the demographic composition of occupants of publicly supported housing in R/ECAPS compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPs in the jurisdiction and region?
- iv. (A) Do any developments of public housing, properties converted under the RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class, than other developments of the same category for the jurisdiction? Describe how these developments differ.  
  
(B) Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing for the jurisdiction and region.
- v. Compare the demographics of occupants of developments in the jurisdiction, for each category of publicly supported housing (public housing, project-based Section 8, Other Multifamily Assisted developments, properties converted under RAD, and LIHTC) to the demographic composition of the areas in which they are located. For the jurisdiction, describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity. Describe any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.

**c. Disparities in Access to Opportunity**

- i. Describe any disparities in access to opportunity for residents of publicly supported housing in the jurisdiction and region, including within different program categories (public housing, project-based Section 8, Other Multifamily Assisted Developments, HCV, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.

**2. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about publicly supported housing in the jurisdiction and region, particularly information about groups with other protected characteristics and about housing not captured in the HUD-provided data.
- b. The program participant may also describe other information relevant to its assessment of publicly supported housing. Information may include relevant programs, actions, or activities, such as tenant self-sufficiency, place-based investments, or geographic mobility programs.

**3. Contributing Factors-of Publicly Supported Housing Location and Occupancy**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to publicly supported housing, including Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each*

*contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

- Admissions and occupancy policies and procedures, including preferences in publicly supported housing
- Community opposition
- Displacement of residents due to economic pressures
- Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
- Impediments to mobility
- Lack of access to opportunity due to high housing costs
- Lack of meaningful language access
- Lack of local or regional cooperation
- Lack of private investment in specific neighborhoods
- Lack of public investment in specific neighborhoods, including services and amenities
- Land use and zoning laws
- Loss of affordable Housing
- Occupancy codes and restrictions
- Quality of affordable housing information programs
- Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
- Source of income discrimination
- Other

#### **D. Disability and Access Analysis**

##### **1. Population Profile**

- a. How are persons with disabilities geographically dispersed or concentrated in the jurisdiction and region, including R/ECAPs and other segregated areas identified in previous sections?
- b. Describe whether these geographic patterns vary for persons with each type of disability or for persons with disabilities in different age ranges for the jurisdiction and region.

##### **2. Housing Accessibility**

- a. Describe whether the jurisdiction and region have sufficient affordable, accessible housing in a range of unit sizes.
- b. Describe the areas where affordable accessible housing units are located in the jurisdiction and region. Do they align with R/ECAPs or other areas that are segregated?
- c. To what extent are persons with different disabilities able to access and live in the different categories of publicly supported housing in the jurisdiction and region?

##### **3. Integration of Persons with Disabilities Living in Institutions and Other Segregated Settings**

- a. To what extent do persons with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?
- b. Describe the range of options for persons with disabilities to access affordable housing and supportive services in the jurisdiction and region.

#### **4. Disparities in Access to Opportunity**

- a. To what extent are persons with disabilities able to access the following in the jurisdiction and region? Identify major barriers faced concerning:
  - i. Government services and facilities
  - ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals)
  - iii. Transportation
  - iv. Proficient schools and educational programs
  - v. Jobs
- b. Describe the processes that exist in the jurisdiction and region for persons with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.
- c. Describe any difficulties in achieving homeownership experienced by persons with disabilities and by persons with different types of disabilities in the jurisdiction and region.

#### **5. Disproportionate Housing Needs**

- a. Describe any disproportionate housing needs experienced by persons with disabilities and by persons with certain types of disabilities in the jurisdiction and region.

#### **6. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disability and access issues in the jurisdiction and region including those affecting persons with disabilities with other protected characteristics.
- b. The program participant may also describe other information relevant to its assessment of disability and access issues.

#### **7. Disability and Access Issues Contributing Factors**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disability and access issues and the fair housing issues, which are Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor, note which fair housing issue(s) the selected contributing factor relates to.*

- Access for persons with disabilities to proficient schools
- Access to publicly supported housing for persons with disabilities
- Access to transportation for persons with disabilities
- Inaccessible government facilities or services
- Inaccessible public or private infrastructure
- Lack of access to opportunity due to high housing costs
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, accessible housing in range of unit sizes
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of assistance for housing accessibility modifications
- Lack of assistance for transitioning from institutional settings to integrated housing
- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location of accessible housing
- Loss of affordable Housing
- Occupancy codes and restrictions
- Regulatory barriers to providing housing and supportive services for persons with disabilities
- Source of income discrimination
- State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing, shared housing and other integrated settings
- Other

**E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis**

1. List and summarize any of the following that have not been resolved:
  - A charge or letter of finding from HUD concerning a violation of a civil rights-related law;
  - A cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law;
  - Any voluntary compliance agreements, conciliation agreements, or settlement agreements entered into with HUD or the Department of Justice;
  - A letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law;
  - A claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing; or
  - A pending administrative complaints or lawsuits against the locality alleging fair housing violations or discrimination.
2. Describe any state or local fair housing laws. What characteristics are protected under each law?
3. Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.
4. **Additional Information**

- a. Provide additional relevant information, if any, about fair housing enforcement, outreach capacity, and resources in the jurisdiction and region.
- b. The program participant may also include information relevant to programs, actions, or activities to promote fair housing outcomes and capacity.

**5. Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the lack of fair housing enforcement, outreach capacity, and resources and the severity of fair housing issues, which are Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each significant contributing factor, note which fair housing issue(s) the selected contributing factor impacts.*

- Lack of local private fair housing outreach and enforcement
- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws
- Unresolved violations of fair housing or civil rights law
- Other

**F. 1,250 Units or fewer PHA Insert**

*This section is only to be completed when a PHA with 1,250 or fewer combined public housing units and housing choice vouchers partners with a Local Government, when the Local Government is the lead entity in the joint or regional Assessment of Fair Housing. A collaborating PHA's analysis of fair housing issues in its Assessment of Fair Housing may either be conducted by using this section or sections V.A.-E. of the Assessment Tool for its service area and region, along with all other sections in this Assessment Tool, and as directed by the questions and instructions.*

**1. Demographics**

Describe demographic patterns in the PHA's service area (and region, if applicable). Explain how demographic trends have changed over time.

**2. Segregation/Integration**

Describe any areas of segregation and integration in the PHA's service area (and region, if applicable). Identify the protected class groups living in any such area. Explain how any area of segregation has changed over time.

**3. R/ECAPs**

Describe the locations of R/ECAPs, if any, in the PHA's service area (and region, if applicable). Identify the protected class groups living in R/ECAPs and describe how R/ECAPs have changed over time.

**4. Disparities in Access to Opportunity**

Describe any disparities in access to the following opportunities for households in the service area (and region, if applicable), based on protected class:

- Educational opportunities
- Employment opportunities
- Transportation opportunities
- Low poverty exposure opportunities
- Environmentally healthy neighborhood opportunities

#### **5. Disproportionate Housing Needs**

Describe which protected class groups in the PHA's service area (and region, if applicable) experience higher rates of housing problems (housing cost burden, severe housing cost burden, substandard housing conditions, and overcrowding).

#### **6. Contributing Factors of Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs**

*Consider the factors listed that are generally applicable to Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs and any other factors affecting the service area (and region, if applicable). Identify factors that significantly create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

#### **Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs)**

- Community opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of local or regional cooperation
- Lack of public and/or private investments in specific neighborhoods, including services or amenities
- Lack of access to opportunity due to high housing costs
- Land use and zoning laws
- Location and type of affordable housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Policies related to payment standards, FMR, and rent subsidies
- Private discrimination
- Source of income discrimination
- Other

#### **Additional Contributing Factors Related to Disparities in Access to Opportunity**

- Access to financial services
- Availability, type, frequency, and reliability of public transportation
- Impediments to mobility
- Impediments to portability
- Lack of job training programs



- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Other

**Additional Contributing Factors Related to Disproportionate Housing Needs**

- Availability of affordable units in a range of sizes
- Other

**7. Publicly Supported Housing Section**

Questions on the location and occupancy of the PHA’s publicly supported housing

*a. Demographics*

Provide demographic information, including protected class groups, on the residents of the PHA and compare these with the demographics of the service area (and region, if applicable).

*b. Segregation and R/ECAPs*

- Describe the location of the PHA’s properties in relation to areas of segregation and R/ECAPs in the service area.
- Describe the location of the PHA’s Housing Choice Vouchers in relation to areas of segregation and R/ECAPs in the service area (and region, if applicable).
- If there are R/ECAPs, describe any differences in the demographics, including by protected class group, of PHA assisted households who live in R/ECAPs versus those who live outside of R/ECAPs in the service area.
- Describe the demographics, by protected class group, of each of the PHA’s publicly supported developments.

*c. Disparities in Access to Opportunity*

Describe any disparities in access to opportunity for residents of publicly supported housing in the service area (and region, if applicable), including within different program categories of publicly supported housing.

*d. Disproportionate Housing Needs*

- Compare the demographics, including by protected class group, of the PHA’s assisted households to households in the service area with disproportionate housing needs in the service area (and region, if applicable).
- Compare the needs of families with children in the PHA’s service area (and region, if applicable) for housing units with two, and three or more bedrooms, with the PHA’s available stock of assisted units.

e. *Policies and Practices*

Describe any policies and practices of the PHA and how they relate to fair housing choice including:

- Access for persons with disabilities (e.g., processing of reasonable accommodation requests, program access, and providing auxiliary aids and services necessary for effective communication)
- Admissions policies, preferences, and housing designations (including grounds for denial of admission, eviction, and subsidy termination)
- Affirmative marketing plan
- Comprehensive Community Revitalization Plans
- Meaningful access for persons with limited English proficiency (e.g., language assistance plans, interpretation assistance, and translation of vital documents)
- Voucher mobility and portability policies and practices

f. *Questions on other categories of publicly supported housing*

Describe other publicly supported housing programs, if any, in the PHA's service area. Identify the location by category of publicly supported housing in relation to areas of segregation and R/ECAPs and the demographics of the households of each category of publicly supported housing, by protected class in the service area (and region, if applicable).

g. *Contributing Factors of Publicly Supported Housing*

*Consider the listed factors and any other factors affecting the service area and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to publicly supported housing, including Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

- Admissions and occupancy policies and procedures, including preferences in publicly supported housing
- Community opposition
- Displacement of residents due to economic pressures
- Impediments to mobility
- Impediments to portability
- Lack of access to opportunity due to high housing costs
- Lack of meaningful language access
- Lack of local or regional cooperation
- Lack of public and/or private investment in specific neighborhoods, including services and amenities
- Land use and zoning laws
- Loss of affordable housing
- Occupancy codes and restrictions
- Policies related to payment standards, FMR, and rent subsidies
- Quality of affordable housing information programs
- Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
- Source of income discrimination

- Other

## 8. Disability and Access

- Describe how persons with disabilities are geographically dispersed or concentrated in the PHA's service area (and region, if applicable), including whether persons with disabilities reside in R/ECAPs and other segregated areas identified previously, and describe whether these geographic patterns vary for persons with each type of disability of persons with disabilities in different age ranges.
- Describe whether the PHA's service area (and region, if applicable) has sufficient affordable, accessible housing in a range of unit sizes, describe the areas where affordable accessible housing units are located, and identify to what extent persons with different disabilities are able to access and live in the different categories of publicly supported housing.
- Describe to what extent persons with disabilities in the PHA's service area (and region, if applicable) reside in segregated or integrated settings.
- Contributing Factors of Disability and Access

*Consider the listed factors and any other factors affecting the service area and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to disability and access, including Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

- Access to publicly supported housing for persons with disabilities
- Access for persons with disabilities to proficient schools
- Access to transportation for persons with disabilities
- Admissions and occupancy policies and procedures including preferences in publicly supported housing
- Inaccessible public or private infrastructure
- Lack of access to opportunity due to high housing costs
- Lack of affordable, accessible housing in range of unit sizes
- Lack of affordable in-home or community-based supportive services;
- State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, and other integrated settings;
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of assistance for transitioning from institutional settings to integrated housing;
- Lack of public and/or private investment in specific neighborhoods including services and amenities
- Lack of local or regional cooperation
- Land use and zoning laws
- Location of accessible housing
- Laws, policies, regulatory barriers to providing housing and supportive services for persons with disabilities
- Siting selection policies, practices and decisions for publicly supported housing
- Source of income discrimination
- Other

## 9. Fair Housing Enforcement

- a. Describe whether the PHA is currently the subject of any of the following:
- A charge or letter of finding from HUD concerning a violation of a civil rights-related law;
  - A cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law;
  - Any voluntary compliance agreements, conciliation agreements, or settlement agreements entered into with HUD or the Department of Justice;
  - A letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law; or
  - A claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing.
- b. **Contributing Factors of Fair Housing Enforcement**

*Consider the listed factors and any other factors affecting the service area and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to fair housing enforcement, including Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

- Lack of local public and/or private fair housing outreach, and/or enforcement and/or resources
- Private discrimination and/or lack of fair housing laws
- Unresolved violations of fair housing or civil rights law
- Other

## 10. Additional PHA Information

The PHA may also describe other information relevant to its assessment of fair housing.

### G. **\$500,000 or Less Local Government Insert**

*This section is only to be completed when a local government that received a CDBG grant of \$500,000 or less, including a HOME consortia whose members collectively received \$500,000 or less in CDBG funds or whose members received no CDBG funds, in the most recent fiscal year prior to the due date for the joint or regional AFH collaborates with a local government that received a CDBG grant larger than \$500,000, including a HOME consortia whose members collectively received more than \$500,000, in the most recent fiscal year prior to the due date for the joint or region AFH (collectively, “\$500,000 or Less Local Government”) The \$500,000 or less local government’s analysis of fair housing issues in its Assessment of Fair Housing may either be conducted by using this section or sections V.A.-E. of the Assessment Tool for its jurisdiction and region, along with all other sections in this Assessment Tool, and as directed by the questions and instructions.*

### 1. Demographics

Describe demographic patterns in the jurisdiction (and region, if applicable). Explain how demographic trends have changed over time?

## **2. Segregation/Integration**

- a. Describe any areas of segregation and integration in the jurisdiction (and region, if applicable). Identify the protected class groups living in any such areas. Explain how areas of segregation have changed over time.
- b. Discuss whether there are any demographic trends, policies, or practices in the jurisdiction and (and region, if applicable) that could lead to higher segregation in the future. Participants should focus on patterns that affect the jurisdiction (and region, if applicable) rather than creating an inventory of local laws, policies, or practices.

## **3. R/ECAPs**

Describe the locations of R/ECAPs, if any, in the jurisdiction (and region, if applicable). Identify the protected class groups living in R/ECAPs and describe how R/ECAPs have changed over time.

## **4. Disparities in Access to Opportunity**

Describe any disparities in access to the following opportunities for households in the jurisdiction (and region, if applicable), based on protected class:

- Educational opportunities
- Employment opportunities
- Transportation opportunities
- Low poverty exposure opportunities
- Environmentally healthy neighborhood opportunities

## **5. Disproportionate Housing Needs**

Describe which protected class groups in the jurisdiction (and region, if applicable) experience higher rates of housing problems (housing cost burden, severe housing cost burden, substandard housing conditions, and overcrowding).

## **6. Contributing Factors of Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs**

*Consider the factors listed that are generally applicable to Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

### **Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs)**

- Community opposition

- Deteriorated and abandoned properties
- Displacement of residents due to economic pressures
- Lack of access to opportunity due to high housing costs
- Lack of community revitalization strategies
- Lack of local or regional cooperation
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination
- Other

#### **Contributing Factors Related to Disparities in Access to Opportunity**

- Access to financial services
- Availability, type, frequency, and reliability of public transportation
- Impediments to mobility
- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Other

#### **Contributing Factors Related to Disproportionate Housing Needs**

- Availability of affordable units in a range of sizes
- Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
- Other

### **7. Publicly Supported Housing Section**

#### *a. Publicly Supported Housing Demographics and Policies*

Compare the demographic populations by protected class group of residents living in each category of publicly supported housing with the demographics of the population in general in the jurisdiction (and region, if applicable). Are certain protected class groups more likely to be residing in one program category of publicly supported housing than other program categories?

#### *b. Segregation and R/ECAPs*

- Describe the location of publicly supported housing in relation to areas of segregation and R/ECAPs in the jurisdiction (and region, if applicable).
- If there are R/ECAPs, describe any differences in the demographics, including by protected class group, of assisted households who live in R/ECAPs versus those who live outside of R/ECAPs in the jurisdiction (and region, if applicable).

- iii. Compare the demographics, by protected class group, of each program category of publicly supported housing to the demographic composition of the areas in which they are located in the jurisdiction (and region, if applicable).

c. *Disparities in Access to Opportunity*

- i. Describe any disparities in access to opportunity for residents of publicly supported housing in the jurisdiction (and region, if applicable), including within different program categories of publicly supported housing.

d. *Disproportionate Housing Needs*

- i. Compare the demographics of assisted households of publicly supported housing in the jurisdiction with the disproportionate housing needs, based on protected class identified for the jurisdiction (and region, if applicable).
- ii. Compare the needs of families with children in the jurisdiction (and region, if applicable) for housing units with two, and three or more bedrooms, with the available stock of assisted units.

e. *Contributing Factors of Publicly Supported Housing*

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to publicly supported housing, including Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

- Admissions and occupancy policies and procedures, including preferences in publicly supported housing
- Community opposition
- Displacement of residents due to economic pressures
- Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
- Impediments to mobility
- Lack of access to opportunity due to high housing costs
- Lack of meaningful language access
- Lack of local or regional cooperation
- Lack of public and/or private investment in specific neighborhoods, including services and amenities
- Land use and zoning laws
- Loss of affordable housing
- Occupancy codes and restrictions
- Quality of affordable housing information programs
- Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
- Source of income discrimination
- Other

## **8. Disability and Access**

- a. Describe how persons with disabilities are geographically dispersed or concentrated in the jurisdiction (and region, if applicable), including whether persons with disabilities reside in R/ECAPs and other segregated areas identified previously, and describe whether these geographic patterns vary for persons with each type of disability of persons with disabilities in different age ranges.
- b. Describe whether the jurisdiction (and region, if applicable) has sufficient affordable, accessible housing in a range of unit sizes, describe the areas where affordable accessible housing units are located, and identify to what extent persons with different disabilities are able to access and live in the different categories of publicly supported housing.
- c. Describe to what extent persons with disabilities in the jurisdiction (and region, if applicable) reside in segregated or integrated settings.
- d. Describe the processes that exist in the jurisdiction (and region, if applicable) for persons with disabilities to request and obtain reasonable accommodations and accessibility modifications to address any barriers faced in accessing government facilities, public infrastructure, transportation, proficient schools and educational programs, and jobs.
- e. Contributing Factors of Disability and Access

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to disability and access, including Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

- Access for persons with disabilities to proficient schools
- Access to publicly supported housing for persons with disabilities
- Access to transportation for persons with disabilities
- Inaccessible public or private infrastructure
- Lack of access to opportunity due to high housing costs
- Lack of affordable, accessible housing in range of unit sizes
- Lack of affordable in-home or community-based supportive services;
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of assistance for transitioning from institutional settings to integrated housing;
- Lack of local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location of accessible housing
- Loss of affordable Housing
- Occupancy codes and restrictions
- Regulatory barriers to providing housing and supportive services for persons with disabilities
- Source of income discrimination
- State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing, shared housing and other integrated settings



- Other

## 9. Fair Housing Enforcement

- Describe whether the program participant is currently the subject of any of the following:
  - A charge or letter of finding from HUD concerning a violation of a civil rights-related law;
  - A cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law, any voluntary compliance agreements, conciliation agreements, or settlement agreements entered into with HUD or the Department of Justice;
  - A letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law; or
  - A claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing.
- Contributing Factors of Fair Housing Enforcement

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to fair housing enforcement, including Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

- Lack of local private fair housing outreach and enforcement
- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws
- Unresolved violations of fair housing or civil rights law
- Other

## 10. Additional Program Participant Information

The program participant may also describe other information relevant to its assessment of fair housing.

## VI. Fair Housing Goals and Priorities

- For each fair housing issue as analyzed in the Fair Housing Analysis section, prioritize the identified contributing factors. Justify the prioritization of the contributing factors that will be addressed by the goals set below in Question 2. Give the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance.
- For each fair housing issue with significant contributing factors identified in Question 1, set one or more goals. Using the table below, explain how each goal is designed to overcome the identified contributing factor and related fair housing issue(s). For goals designed to overcome more than one fair housing issue, explain how the goal will overcome each issue and the related contributing factors. For each goal, identify metrics and milestones for determining what fair housing results will be achieved, and indicate the timeframe for achievement.

<b><u>Goal</u></b>	<b><u>Contributing Factors</u></b>	<b><u>Fair Housing Issues</u></b>	<b><u>Metrics, Milestones, and Timeframe for Achievement</u></b>	<b><u>Responsible Program Participant(s)</u></b>
<b>Discussion:</b>				

**APPENDIX A – Assessment of Fair Housing (AFH) Instructions**

**Introduction**

Program participants conducting an assessment of fair housing as required under the affirmatively furthering fair housing rule, published at 80 FR 42272, are required to complete and submit an Assessment Tool. For regulatory requirements of the AFFH rule and the AFH, see 24 C.F.R. §§ 5.150-5.180.

*The Assessment Tool and Inserts*

This Assessment Tool, including these instructions, will be used by local governments that receive Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG), or Housing for Persons with AIDS (HOPWA) formula funding from HUD when conducting and submitting their own Assessment of Fair Housing (AFH). The Assessment Tool will also be used for AFHs conducted by joint and regional collaborations between: (1) local governments; (2) one or more local governments with one or more public housing agency (PHA) partners; and (3) other collaborations in which a local government (described above) is designated as the lead entity for the collaboration. A joint or regional AFH does not relieve such collaborating program participant from its obligation to analyze and address local and regional fair housing issues and contributing factors that affect fair housing choice, and set priorities and goals for its geographic area. The 1,250 Unit or fewer PHA and \$500,000 or less local government inserts may be used for when these entities collaborate to conduct and submit a joint or regional AFH where a local government that received more than \$500,000 in the fiscal year prior to the date the AFH is due acts as the lead entity. However, the inserts only cover the “Fair Housing Analysis” portion of the required analysis contained in the Assessment Tool. The other sections of the Assessment Tool (in particular the community participation process, assessment of past goals and actions, and fair housing goals and priorities) must be completed to reflect the analysis of each collaborating program participant, even if eligible program participants choose to use the insert to conduct the Fair Housing Analysis. Program participants that conduct and submit either a joint or regional AFH must provide HUD with a copy of their written agreement prior to submitting the AFH. Please see the following chart identifying which program participants will use this Assessment Tool, and the program participants that will use a different Assessment Tool.

Who must use this Assessment Tool	Who will use a different Assessment Tool
<ol style="list-style-type: none"> <li>1. Local governments (that receive CDBG, HOME, ESG or HOPWA funds) submitting an AFH alone</li> <li>2. Joint or Regional Collaborations between:                             <ol style="list-style-type: none"> <li>a. Only local governments</li> <li>b. One or more local governments with one or more PHAs</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. States and Insular Areas submitting alone</li> <li>2. Joint or regional collaborations (with local governments and/or PHAs) where the State is designated as the lead entity</li> <li>3. PHAs submitting alone</li> <li>4. Joint collaborations among only PHAs</li> </ol>

<p>c. Other collaborations in which a local government is designated as the lead entity, including small program participants (i.e., local governments that received a CDBG grant of \$500,000 or less in the most recent fiscal year prior to the due date for the joint or regional AFH due date and PHAs with 1,250 combined units) electing to complete the applicable insert.</p>	
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If conducting a joint or regional AFH, program participants will submit a single AFH that covers all program participants. The User Interface allows program participants to add other program participants to the same Assessment. The “Add a Program Participant” page of the User Interface provides a space to add Consolidated Plan or PHA Plan Program Participants to the Assessment. More than one program participant can be added for joint or regional submission. Once program participants are added to the Assessment, all program participants will be able to view and edit the entire Assessment in the User Interface.

*HUD-Provided Data*

All program participants must use the HUD-provided data, which includes data for the jurisdiction and region, to complete the AFH. A joint or regional AFH must reference the HUD-provided data for each program participant’s jurisdiction and region.<sup>1</sup> The Assessment Tool and HUD-provided data will be used by various types of program participants (e.g. those in urban areas, rural areas, suburban areas, majority-minority communities), which may have unique characteristics, issues and challenges. The HUD-provided data will help program participants assess local and regional fair housing issues and contributing factors and set priorities and goals to overcome them. However, certain HUD-provided data may have limitations, including limitations in how they apply to geographic areas with different characteristics (e.g., rural versus urban, majority minority areas). For this reason, program participants must supplement the HUD-provided data with local data and local knowledge outlined in 24 C.F.R. § 5.152 and discussed below.

Where HUD has not provided data for a specific question in the Assessment Tool and program participants do not have local data or local knowledge that would assist in answering the question, program participants are expected to note this rather than leaving the question blank. Program participants may indicate this by stating, “No information is available to answer this question.”

The questions in the Assessment Tool are written broadly by HUD to enable program participants in many different parts of the country to identify the fair housing issues that are present in their jurisdictions and regions. Program participants should provide an analysis based on the HUD-provided data with respect to the fair housing issues analyzed in the AFH, as opposed to providing an inventory of what the data show.

This Assessment Tool provides a structure for program participants to assess fair housing issues that may be affecting their jurisdictions and regions. The HUD-provided data and the questions in the Assessment Tool were developed to allow the program participant to match the necessary data, maps and information with the questions, along with local data and local knowledge. Program participants should use the HUD-provided data to understand the fair housing issues that may be present in their jurisdictions and regions. Program participants have discretion, within the

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<sup>1</sup> For PHAs that collaborate with a local government, their jurisdiction is the same as their service area.

requirements of the AFFH Rule, to analyze and interpret data and information, identify significant contributing factors, and set goals and priorities using the Assessment Tools provided by HUD. As more fully discussed in the guidance on HUD's review of AFHs, HUD will consider local context and the resources the program participant has available. For additional information on how HUD will review AFHs, please refer to the Guidance on HUD's Review of Assessments of Fair Housing, available at <https://www.hudexchange.info/resources/documents/Guidance-on-HUDs-Review-of-Assessments-of-Fair-Housing-AFH.pdf>.

### *Local Data, and Local Knowledge*

HUD is only able to provide data for those protected class groups for which nationally uniform data are available. For this reason, some questions focus on specific protected classes based on the availability of such data. For those questions, local data and local knowledge may provide information to supplement the analysis for protected classes not covered by the HUD-provided data. Local data and local knowledge can be particularly helpful when program participants have local data that are more up-to-date or more accurate than the HUD-provided data or when the HUD-provided data do not cover all of the protected classes that would be relevant to program participants' analyses.

Although HUD will provide nationally available data to program participants, the regulations recognize the value of local data and knowledge. Local data is defined in the Final Rule at 24 C.F.R. § 5.152, and refers to metrics, statistics, and other quantified information, subject to a determination of statistical validity by HUD, that are relevant to program participants' geographic areas of analyses, can be found through a reasonable amount of searching, are readily available at little or no cost, and are necessary for the completion of the AFH using the Assessment Tool. Examples of local data include relevant demographic data or program-related data maintained by program participants, another public agency, or another entity that are readily available and easily accessible to program participants at little or no cost.

Local knowledge is defined in the Final Rule at 24 C.F.R. § 5.152, and means information to be provided by program participants that relates to program participants' geographic areas of analyses and that is relevant to program participants' AFH, is known or becomes known to program participants, and is necessary for the completion of the AFH using the Assessment Tool. Examples of local knowledge include laws and policies, common neighborhood names and borders, and information about the housing market and housing stock. HUD does not expect program participants to review every possible source to search out local knowledge. However, local knowledge includes information obtained through the community participation process. Program participants are required to consider the information received during the community participation process as they conduct an AFH using the Assessment Tool.

Program participants are required to comply with the Privacy Act of 1974 (5 U.S.C. § 552a), and applicable State laws in the collection, maintenance, use and dissemination of personally identifiable information. These requirements have particular relevance for the release of personal information, such as race/ethnicity or incomes, of assisted tenants.

Program participants must use reasonable judgment in deciding what supplemental information from among the numerous sources available would be most relevant to their analysis. HUD does not expect program participants to hire statisticians or other consultants to locate and analyze all possible sources of local data. Program participants are not generally expected to conduct primary data gathering or analysis, or a quantitative impact evaluation requiring empirical research to objectively determine causation. Note that, subject to the community participation, consultation and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158, program participants are required to consider information relevant to the jurisdiction or region submitted during the community participation process, including recommendations of other data sources for program

participants to assess. Program participants are not required to incorporate all possible information submitted or recommended to them in the community participation process, but they are required to at least summarize and describe such comments and recommendations, including the reasons for not including them. HUD is aware that many private organizations may wish to provide their own analyses, which may include complex data and analysis. Program participants are not required to expend extensive staff time or funding to corroborate or verify all such information. Note, however, that program participants must comply with the requirements for local data and local knowledge outlined in 24 C.F.R. § 5.152 and as discussed in these instructions.

When relying on local data or local knowledge, program participants are advised to provide the information to HUD, to the extent available, by citing/linking to the source or uploading relevant data (e.g., maps, tables, etc.) to the User Interface using the upload function in the “Supporting Documents” menu. Program participants should be cautious to comply with all Privacy Act requirements, as described above.

Where HUD has not provided data for a specific question and program participants do not have local knowledge or local data that is relevant to answering the question and as otherwise outlined in 24 C.F.R. § 5.152, participants must note the lack of such available information. Program participants should not leave the response blank.

Program participants are always encouraged to include additional information and context from local data or local knowledge. Such additional supplementary information will not always require identification of contributing factors and associated goals. Many issues that the program participant may want to reference, for instance, may be outside of the agency’s scope of authority, but may still be relevant to reference to provide a more comprehensive discussion of the overall local or regional context. As such, the AFH can also serve as an information resource that can be referenced by the community and other relevant organizations and entities in their own operations or planning.

### *Contributing Factors*

In conducting the analysis, program participant must identify significant contributing factors in each section of the analysis. When identifying contributing factors, each section of the analysis contains a discrete list of suggested factors for consideration, which includes factors commonly associated with that section of the analysis. The list contains an “other” option, for program participants to use in identifying other significant contributing factors not included in the list. A more exhaustive list of possible contributing factors is contained in Appendix C, which also includes a description of each contributing factor. Program participants are permitted to include contributing factors that are not listed in Appendix C.

A contributing factor may be outside the ability of program participants to directly control or influence; however, such factors must be identified if they are significant. Identifying “external factors” and barriers to achieving goals is, among other things, a useful planning and performance management component. For example, a contributing factor may be beyond the political boundary of the program participant—such as an environmental health hazard. In such cases, there may be policy options or goals that a program participant can identify, while recognizing the limitations involved—for example, promoting regional coordination by working with neighboring jurisdictions to address those factors and related fair housing issues. Not all such contributing factors will need to have a goal associated with them when they are “external factors” beyond the control of the program participant.

For program participants submitting jointly, each program participant is responsible for identifying contributing factors within its jurisdiction. These factors will be prioritized in Section VI and used as a basis for establishing goals.

In addition to identifying contributing factors within the jurisdiction, program participants are required to consider contributing factors for the region. However, these regional contributing factors need only be identified when there is some connection or nexus between the fair housing issue that has been identified in the region to the program participant's own jurisdiction. For example, the lack of affordable housing opportunities in either the jurisdiction or its region may be affecting the living patterns of protected class groups.

HUD recognizes that some obstacles to fair housing choice may be outside the scope of the program participants' control. The analysis required by the AFH is to identify contributing factors to fair housing issues as a means of better planning how to address the fair housing issues. Program participants are required to identify those factors that significantly create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. However, program participants are not required to conduct separate statistical or similar analyses to determine which factors to identify and need only rely on the information considered in the community participation process, assessment of past goals and actions, and fair housing analysis sections of the Assessment Tool, including information obtained through the community participation process to meet its obligations to identify contributing factors under the AFFH Rule.

Furthermore, program participants have flexibility in how they choose to prioritize significant contributing factors, so long as they give highest priority to those factors that limit or deny fair housing choice, access to opportunity, or negatively impact fair housing or civil rights compliance. Once fair housing issues and contributing factors have been identified and prioritized, the program participant has options in how to set goals for overcoming the effects of contributing factors and related fair housing issues. Relevant considerations for doing so may include the resources, the likely effectiveness of the policy options that are available to the program participant, and collaborative goals among joint or regional partners. An objective of the AFFH Rule is to have program participants consider all available means to address fair housing issues and contributing factors that arise within their geographic area of analysis or impact their geographic area. It is important to note that program participants are required to, "set goals for overcoming the effects of contributing factors as prioritized," in this process. It would be expected, therefore, that a "high priority" contributing factor would have a corresponding goal established to overcome the effects of that factor.

The Assessment Tool also contains the required analysis of fair housing issues and contributing factors that program participants must undertake in order for an AFH to meet the requirements set forth in 24 C.F.R. §§ 5.150 through 5.180. The content required in the AFH can be found at 24 C.F.R. § 5.154 and is outlined in the applicable Assessment Tool for each program participant. However, please note that different program participants may work through the Assessment of Fair Housing in different ways. Depending on each program participants' familiarity with fair housing planning and planning style, each program participant may choose to complete the required components of an Assessment of Fair Housing in a variety of ways. For example, while the AFFH rule requires that program participants identify significant contributing factors, prioritize such factors, and justify the prioritization of the contributing factors that will be addressed in the program participant's fair housing goals, it does not specify a specific process for meeting these requirements. Program participants may choose to complete the AFH in any order they choose, so long as all requirements are met. Rather than follow the assessment tool in exact order, they may choose to complete analysis of certain fair housing issues first and then consider contributing factors. Some program participants may find this method more efficient. For example, some contributing factors may be relevant for more than one fair housing issue.

### **Part I: Cover Sheet with Certification**

Complete the cover sheet with all requested information. The official authorized representative of each program participant must print their name, indicate which program participant they are

signing on behalf of, state their position with the program participant, and sign and date the certification. In order to complete this document, download the document from the User Interface. Once it has been completed and signed, upload the document to the “Supporting Documents” page of the User Interface.

All joint or regional participants are bound by the certifications, except that some of the analysis, goals, or priorities included in the AFH may only apply to an individual program participant as expressly stated in the AFH.

## **Part II: Executive Summary**

To complete the Executive Summary, refer to fair housing contributing factors, issues and goals identified in parts IV and V of the Assessment Tool, as well as goals identified in the most recent previous Analyses of Impediments to Fair Housing Choice or Assessments of Fair Housing. There is no prescribed format for the Executive Summary—program participant(s) have discretion in this section as to how to summarize their findings in the AFH.

For joint or regional AFHs, the Executive Summary applies to all collaborating partners. Individual program participants are encouraged to provide overview information to their analysis in the joint or regional AFH, but there is no prescribed format for doing so.

## **Part III: Community Participation Process**

Complete all three questions based on the community participation, consultation and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158. Program participants should employ communications means designed to reach the broadest possible audience. Such communications may be met as appropriate, by publishing a summary of each document in one or more newspapers of general circulation, and by making copies of each document available on the Internet, on program participants’ official government Web sites, and as well at libraries, government offices, and public places. Note that all program participants in a collaboration, including any PHAs and any local governments receiving \$500,000 or less in the fiscal year prior to when a collaborative AFH is due, are responsible for answering the community participation questions.

Please note that for public housing agencies, community participation requirements are described in 24 C.F.R. §§ 903.13, 903.15, 903.17, and 903.19. For consolidated plan program participants, Citizen Participation requirements are described in 24 C.F.R. part 91. As required by applicable regulations, program participants must ensure meetings are held in physically accessible locations, provide appropriate auxiliary aids and services necessary to ensure effective communication with individuals with disabilities, and provide limited English proficient persons meaningful access to programs and services.

For question (1), provide a summary of the outreach activities undertaken. For PHAs, also include any meetings with the Resident Advisory Board, as well as residents of impacted developments proposed for demolition/disposition, required or voluntary conversion and conversion under RAD.

For question (2), provide a list of any organizations consulted during the community participation process. For consolidated plan program participants, 24 C.F.R. § 5.158(a)(1), states that consolidated plan program participants must follow the policies and procedures described in 24 C.F.R. part 91 (see 24 C.F.R. §§ 91.100, 91.105, 91.110, 91.115, 91.235, and 91.401). For PHAs, 24 C.F.R. § 5.158(a)(2) states that PHAs must follow policies and procedures described in 24 C.F.R. part 903. Refer to the Affirmatively Furthering Fair Housing Rule Guidebook for additional guidance.



For question (3), describe how the outreach activities described in question (1) operated to elicit broad community participation. State whether there was low participation generally, and with respect to particular protected class groups, and provide an explanation for any low participation rates. For example, were all protected class groups represented during the process? If there was low participation, explain how participation can be increased in the future generally, and among specific protected class groups for which there was low participation.

In question (4), pursuant to 24 C.F.R. § 5.154(d)(6), program participants must include an explanation for why any comments or views submitted through the community participation process were not accepted – note that this includes information, such as supplemental data and reports.

#### **Part IV: Assessment of Past Goals, Actions, and Strategies**

For question (1)(a), provide an explanation of what past goals program participants selected and what progress has been made toward their achievement. Use the metrics and milestones identified in past Analyses of Impediments or past Assessments of Fair Housing in assessing progress. New program participants may still answer this question based on any other relevant planning documents and/or any past fair housing goals, actions, or strategies.

To answer question (1)(b), explain how the past goals selected influenced the selection of current goals.

For question (1)(c), program participants may provide any additional information about policies, actions, or steps that address fair housing issues in program participants' geographic areas of analyses.

Note that all program participants in a collaboration including any PHAs and any local governments receiving \$500,000 or less in the fiscal year prior to when a collaborative AFH is due, are responsible for answering the Assessment of Past Goals, Actions, and Strategies questions.

#### **Part V: Fair Housing Analysis**

For all questions, program participants must use the HUD-provided data and supplement that information with local data and local knowledge when it meets the criteria under 24 C.F.R. § 5.152 (described above). HUD-provided maps are located in Appendix A and HUD-provided tables are located in Appendix B. When relying on local data or local knowledge, and that information is contained in a document, report, map, or other tangible material, program participants should provide such information to HUD through the User Interface using the upload function in the “Supporting Documents” menu.

In general, HUD is providing data related to a program participant's region at the Core Based Statistical Area (CBSA) level (as defined by the Office of Management and Budget (OMB)) as a way to provide a relative statistical benchmark for certain portions of the fair housing analysis. A CBSA is made up of one or more counties that are part of a metropolitan or micropolitan area.<sup>2</sup> A CBSA may cover a single county or more than one county and may cross state boundaries.<sup>3</sup> OMB's guidance states that “This classification is intended to provide nationally consistent definitions for

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<sup>2</sup> Metropolitan areas have an urban core of 50,000 or more residents and any adjacent counties that have a high degree of social and economic integration with the urban core (as measured by commuting to work). Micropolitan areas have a smaller population in the urban core—at least 10,000 but less than 50,000—and also include adjacent counties with a high degree of social and economic integration with the urban core. The CBSA includes all adjacent counties that are within a metropolitan or micropolitan area.

<sup>3</sup> Maps of CBSA boundaries can be found on the U.S. Census Bureau website at: <https://www.census.gov/geo/maps-data/maps/statecsa.html>.

collecting, tabulating, and publishing Federal statistics for a set of geographic areas.”<sup>4</sup> OMB has also offered guidance relating to program uses of the statistical area definition and explained that CBSA delineations “should not serve as a general-purpose geographic framework for non-statistical activities.” Because of this limitation of the CBSA level data, it may not always serve as the most relevant reference point when conducting a fair housing analysis. For example, local data and local knowledge may show fair housing issues not depicted at the CBSA level. The outer bounds of a CBSA (e.g. in the case of a larger CBSA) may not always be relevant when viewing regional maps. However, there may also be situations where relevant patterns related to the fair housing analysis extend beyond the CBSA. When conducting a regional analysis, HUD does not generally expect a program participant to conduct a neighborhood-by-neighborhood analysis of the entire CBSA, but rather to use the maps as a contextual tool and to focus on the fair housing patterns and trends in the region as they relate to fair housing choice.

When assessing tables that provide summary data at the regional level, distinct patterns across multiple jurisdictions or service areas may not be apparent from the HUD provided data. For this reason, program participants must also use local data or local knowledge outlined in 24 C.F.R. § 5.152 and discussed in the instructions above. Use of local data and local knowledge may allow for a more refined fair housing analysis beyond that which may be conducted with the HUD-provided data alone.

Where HUD has not provided data for a specific question in the Assessment Tool and program participants do not have local data or local knowledge that would assist in answering the question, program participants are expected to note this rather than leaving the question blank.

## **A. Demographic Summary**

Program participants are expected in this Section to provide a summary of the demographics of the jurisdiction and region in narrative format and are not expected to repeat an inventory of the HUD-provided data.

HUD is providing the following information for use in this section. Table 1 contains demographic data for the jurisdiction and region. Table 1 includes the total population, 7 racial/ethnic groups, the 10 most populous countries of origin, the 10 most common languages, disability by type, sex, age, and families with children. Table 2 contains this demographic data, but displays trends for the jurisdiction and region over time, including data from 1990, 2000, and 2010.

For question (1), refer to Tables 1 and 2, which present demographic summary data for the jurisdiction and region. The demographics analyzed must include an overview of: racial/ethnic populations; national origin populations, including any limited English proficient populations; individuals with disabilities by disability type; and families with children. Program participants have discretion in this section as to how to structure the answers to these questions. Though there is no prescribed format to provide the answers, program participants must analyze the HUD-provided data in their responses.

## **B. Fair Housing Issue Analysis**

### **i. Segregation/Integration**

For the questions in this section, HUD is providing two main sources of data. The Dissimilarity Index is provided for race/ethnicity groups for both the jurisdiction and region (Table 3). Dot density maps are provided for race/ethnicity, national origin and Limited English Proficiency (LEP) for both the jurisdiction and region (Maps 1-4). HUD is also providing a map that depicts where owner occupied housing and renter occupied housing is located (Map 16).

<sup>4</sup> OMB Bulletin No. 04-03, available at [https://www.whitehouse.gov/omb/bulletins\\_fy04\\_b04-03](https://www.whitehouse.gov/omb/bulletins_fy04_b04-03).

Table 3 presents the Dissimilarity Index for the jurisdiction and region for white/non-white, black/white, Hispanic/white, and Asian/white populations for multiple census years. This Dissimilarity Index measures the degree to which two groups are evenly distributed across a geographic area and is commonly used for assessing residential segregation between two groups. Values range from 0 to 100, where higher numbers indicate a higher degree of segregation among the two groups measured.

Dissimilarity Index values between 0 and 39 generally indicate low segregation, values between 40 and 54 generally indicate moderate segregation, and values between 55 and 100 generally indicate a high level of segregation. However, context is important in interpreting the dissimilarity index. The index measures the degree two groups are segregated in a particular geographic area; however, the index alone does not provide the location of the segregation within the geographic area. For this reason, using the index in conjunction with the dot density maps may provide a more robust picture of segregation in a particular area within the jurisdiction. Additionally, when populations are a very small proportion of the jurisdiction's population, program participants should exercise caution in interpreting associated dissimilarity indices. Also, because the index measures only two groups at a time, it is less reliable as a measure of segregation in areas with multiple demographic groups.

In addition, dot density maps are provided showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the jurisdiction and region. A dot density map (also known as dot distribution map) uses a color-coded dot symbols representing the presence of a specified number of individuals sharing a particular characteristic to show a spatial pattern. The presence of residential segregation may appear as clusters of a single color of dots representing one protected class, or as clusters of more than one color of dots representing a number of protected classes but still excluding one or more protected classes. More integrated areas will appear as a variety of colored dots.

While dot density maps are useful in demonstrating residential patterns, they also have limitations. Dot placement does not represent actual addresses – rather individual dots are randomly located within a particular census block to match aggregate population totals for that block group. Note also that the data provided for national origin is based on census data for the 5 most populous “foreign born” populations by country of origin, however, some jurisdictions may have other significant populations not included in the HUD-provided data but reflected in local data or local knowledge. In addition, the “foreign born” population does not track exactly with the definition of national origin under the Fair Housing Act, which includes place of birth as well as place of ancestor's birth. LEP data shows residential segregation by language for speakers of the five most populous limited English proficient groups in the jurisdiction and region. Again, some jurisdictions may have other significant populations not included in the HUD-provided data but reflected in local data or local knowledge.

Program participants should note that the term segregation, for purposes of the AFFH rule, means a condition within the program participant's geographic area of analysis, as guided by this Assessment Tool, in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. Conversely, integration means, for purposes of the AFFH Rule, a condition within the program participant's geographic area of analysis, as guided by this Assessment Tool, in which there is not a high concentration of a particular race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability when compared to a broader geographic area. In identifying areas that may be segregated or integrated, program participants should take care to ensure they are focusing on all protected characteristics, and not solely focus on minority populations in their jurisdictions and regions. For example, when identifying areas of segregation and integration program

participants should not only focus on areas of minority concentration in their jurisdictions and regions, but also areas of majority concentration.

Based on community participation and local data and local knowledge, program participants may add local context to their analysis, such as whether there are communities with concentrations of particular national origin, ethnic, or religious groups, as well as majority minority jurisdictions where by definition there will be higher levels of minority populations.

For question 1(a) indicate whether the measures shown in Table 3 generally indicate that segregation in the jurisdiction and region is low, moderate or high for each racial/ethnic group represented in the table, and note which groups experience the highest levels of segregation for the jurisdiction and region.

For question 1(b), refer to Maps 1, 3, and 4, to identify areas on the map that reveal clusters of race/ethnicity, national origin, or LEP groups, and areas that the map indicates are particularly segregated or integrated. In identifying those areas, and throughout the tool, use commonly used neighborhood or area names.

For question 1(c), refer to Table 3, which also provides dissimilarity index values for 1990, 2000, and 2010. Note whether the dissimilarity index values have increased or decreased over time. Increasing values may indicate increasing segregation, and decreasing values may indicate decreasing segregation. Maps 1 and 2 provide residential living patterns by race/ethnicity over time (1990, 2000, 2010) with dot density.

For question 1(d), refer to Map 16, which shows the locations of owner occupied housing and renter occupied housing in the jurisdiction and region. Note whether each type of housing is located in segregated or integrated areas. Local data and local knowledge may also be particularly useful in answering this question. Local data and local knowledge may also be particularly useful in answering this question, including for the portion of the question relating to trends for homeownership and rental housing over time. Include any geographic patterns in the location of owner-occupied properties compared to renter-occupied properties over time. Program participants may also describe trends in the availability of affordable housing in the jurisdiction and region for that time period.

For question 1(e), local data and local knowledge may be particularly useful in answering this question.

Understanding the limitations of the HUD-provided data discussed in the introduction to these instructions, using local data and knowledge, complete question 2(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity and national origin. Include any relevant information about other protected characteristics - such as characteristics protected by State or local law (*e.g.*, source of income protection, LGBT protection, among others). Note, the analysis of disability is specifically considered in Section V(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question 2(b), program participants may include any additional relevant information related to their analysis of segregation in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation, and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as increasing integration.

For question (3), identify all significant contributing factors. Consider the non-exhaustive list of factors provided and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of segregation. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

If the contributing factors identified are applicable to all program participants in a joint or regional collaboration, indicate that they are applicable to all. If certain contributing factors are applicable to only certain program participants in a joint or regional collaboration, note which program participant the contributing factor relates to.<sup>5</sup>

**ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)**

For the questions in this section HUD is providing maps and tables. The HUD-provided maps depict the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the jurisdiction and region. These maps also include outlined overlays of R/ECAPs. The presence of residential segregation in R/ECAPs may appear as clusters of a single color of dots representing one protected class, or as clusters of more than one color of dots representing a number of protected classes but still excluding one or more protected classes. More integrated areas will appear as a variety of colored dots. The HUD-provided table provides the demographics by protected class of the population living within R/ECAPs. It does not show the proportion of each protected class group that live in R/ECAPs compared to the proportion of each protected class that live in the jurisdiction outside of R/ECAPs or the jurisdiction as a whole.

In addition to identifying contributing factors within the jurisdiction, program participants are required to consider contributing factors for the region. However, these regional contributing factors need only be identified when there is some connection or nexus between the fair housing issue that has been identified in the region to the program participant's own jurisdiction. For example, the lack of affordable housing opportunities in either the jurisdiction or its region may be affecting the living patterns of protected class groups.

For question (1)(a), refer to Maps 1, 3 and 4, which include outlined census tracts that meet the threshold criteria for racially or ethnically concentrated areas of poverty (R/ECAPs). The area within the outline meets the definition of an R/ECAP, as set forth in the rule at 24 C.F.R. § 5.152.

To answer question (1)(b), use Maps 1, 3, and 4 and Table 4. Maps 1, 3, and 4 are dot density maps showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the jurisdiction and region. Table 4 shows the percentage of persons living in R/ECAPS with certain protected characteristics (race/ethnicity, families with children, national origin) in the jurisdiction and the region. The table provides the demographics by protected class of the population living within R/ECAPs. It does not show the proportion of each protected class group that live in R/ECAPs compared to the proportion of each protected class that live in the jurisdiction outside of R/ECAPs or the jurisdiction as a whole. Table 4 can be compared to Table 1, which shows the total population in the jurisdiction and region for each of the groups shown in Table 4.

To answer question (1)(c), refer to Maps 1 and 2. Map 1 shows the outlines of current R/ECAPs. Map 2 shows the outlines of R/ECAPs in past years (1990 and 2000). Map 2 will include functionality allowing the user to view demographic changes over time (1990, 2000, and 2010). Compare the current R/ECAP outlines with previous R/ECAP outlines and describe whether R/ECAPs have remained constant, whether new R/ECAPs have emerged, or whether certain R/ECAPs no longer exist. Maps 1, 2, 3, and 4 also show dot density distributions by race/ethnicity, national origin and LEP, including R/ECAP outlines. Note whether the maps show any changes in

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<sup>5</sup> HUD anticipates that additional functionality in the User Interface will facilitate the identification of contributing factors by program participant in the case of a joint or regional AFH.

areas that have moved in or out of R/ECAP status over time and the groups most affected by R/ECAPs.

Understanding the limitations of the HUD-provided data discussed in the instruction's introduction, using local data and knowledge, complete question (2)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity and national origin. Include any relevant information about other protected characteristics, but note that the analysis of disability is specifically considered in Section V(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of R/ECAPs in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as expanding opportunity into R/ECAPs by addressing the combined effects of segregation and poverty. Relevant information may also include local assets and organizations.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with R/ECAPs, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of R/ECAPs. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

If the contributing factors identified are applicable to all program participants in a joint or regional collaboration, indicate that they are applicable to all. If certain contributing factors are applicable to only certain program participants in a joint or regional collaboration, note which program participant the contributing factor relates to.

### **iii. Disparities in Access to Opportunity**

The Fair Housing Act prohibits discrimination on the basis of race, color, religion, sex, familial status, national origin, and disability. As noted, HUD provides to program participants certain nationally-uniform data in the form of maps and tables to answer specific questions. Where HUD does not provide maps and tables, program participants must supplement the HUD-provided data with local data and local knowledge outlined in 24 C.F.R. § 5.152. In this section of the Assessment Tool, HUD asks specific questions about disparities for protected classes for which HUD is providing data and notes in these instructions which HUD-provided maps and tables should be used to answer particular questions. Note, however, that Question 2(a) asks about these disparities in access to opportunity for all protected classes using local data and local knowledge beyond the HUD-provided data.

Some of the issues considered in this section may be beyond the scope of expertise for program participant staff. Consultation and cooperation with other governmental agencies may be helpful for some issues. HUD acknowledges that staffing and funding realities may limit the level of inter-governmental and inter-agency interaction that is possible on all parts of the AFH. Such interaction also depends on the availability and cooperation of other agencies or organizations to participate or engage in information share, mutual analysis, or goal setting.

#### Using the Opportunity Maps and Indices

Questions in this section rely on the Opportunity Indices in the HUD-provided data. Table 12 provides index values for the following opportunity indicator indices: Low Poverty; School

Proficiency; Labor Market Engagement; Jobs Proximity; Low Transportation Costs; Transit Trips Index; and Environmental Health. The Opportunity Indices are provided by race/ethnicity, including for income adjusted comparisons (i.e., households below the poverty line by race/ethnicity). A higher value on each of the indices would indicate: higher levels of school proficiency; higher levels of labor engagement; closer proximity to jobs; lower transportation costs; better access to public transportation; lower neighborhood poverty rates; and greater neighborhood environmental quality (i.e., lower exposure rates to harmful toxins). Using the indices provided, program participants will be able to compare access to key opportunity assets with relative ease by consulting a single table. The HUD-provided Opportunity Indices are based on specific national data sources and program participants may find it useful to supplement these with additional local data or local knowledge, including information obtained through the community participation process.

For the questions that rely on the Opportunity Indices (Table 12), the HUD-provided data includes information for protected class groups by race/ethnicity. For the questions that rely on the Opportunity Maps (Maps 7-13), the HUD-provided data includes information on protected class groups by race/ethnicity, national origin and familial status. There is one map for each Opportunity Index. All of these maps also show R/ECAP boundaries and are provided for both the jurisdiction and region. Darker shading on these maps generally indicates greater access to that opportunity indicator.

### Education

For the questions in (1)(a)(i), use the School Proficiency Index in Table 12. The School Proficiency Index measures which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. The values for the School Proficiency Index are determined by the performance of 4th grade students on state exams.<sup>6</sup> The Index uses data for elementary schools because they are much more likely to have neighborhood-based enrollment policies. Note that local data or local knowledge may be useful in assessing access to higher-grade level schools.

For question (1)(a)(ii), refer to Map 7, which shows residential living patterns by race/ethnicity, national origin, and familial status. The map can be used to assess how residency patterns for each of these protected classes compares to the location of proficient schools. The map shows values for the School Proficiency Index with shading at the neighborhood (census tract) level. Darker shaded tracts indicate better access to higher proficiency schools. Lighter shading indicates lower index values, with these neighborhoods being near lower performing elementary schools (as measured by the Index).

Note that, to the extent the questions require consideration of middle and high schools, or local policies and practices such as school enrollment policies, then local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant.

Question (1)(a)(iii), may be answered using local data or local knowledge. Program participants should consider whether local school policies provide for alternative means of access to schools, such as local enrollment policies, that are not reflected in the HUD-provided data.

### Employment

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<sup>6</sup> The School Proficiency Index uses two methods for linking schools to census tracts: either 1) using the attendance area (where this information is available) of individuals sharing a protected characteristic; or 2) using the proficiency of elementary schools within 1.5 miles of individuals with a protected characteristic where attendance boundary data are not available

For the questions (1)(b)(i), refer to the Jobs Proximity Index and Labor Market Engagement Index in Table 12. The Jobs Proximity Index measures the physical distances between place of residence and jobs by race/ethnicity. The Labor Market Engagement Index provides a measure of unemployment rate, labor-force participation rate, and percent of the population ages 25 and above with at least a bachelor's degree, by neighborhood (census tract).

To answer questions (1)(b)(ii), refer to Maps 8 and 9. Maps 8 and 9 both show residency patterns of racial/ethnic and national origin groups and families with children. Map 8 shows values for the Jobs Proximity Index with shading at the neighborhood (census tract) level. Map 9 shows values for the Labor Market Engagement Index with shading at the neighborhood (census tract) level. Darker shaded tracts indicate a higher (better) value for the Index being used. Thus, darker shaded tracts would indicate closer proximity to jobs or a higher level of "labor engagement" (employment rate, labor-force participation rate, and percent of the population age 25 and above with at least a bachelor's degree) for the households living there. Lighter shaded tracts would show lower (worse) index values for these index measures.

### Transportation

For the questions in (1)(c)(i), refer to Table 12 (Low Transportation Cost Index and the Transit Trips Index). The Low Transportation Cost Index measures cost of transportation and proximity to public transportation by neighborhood. The Transit Trips Index measures how often low-income families in a neighborhood use public transportation.

To answer questions (1)(c)(ii), refer to Maps 10 and 11. These maps both show residency patterns of racial/ethnic and national origin groups and families with children. Map 10 shows values for the Low Transportation Cost Index with shading at the neighborhood (census tract) level. Map 11 shows values for the Transit Trips Index with shading at the neighborhood (census tract) level. For these maps, darker shading in a tract indicates a higher (better) value for the Index being used. Thus, darker shaded tracts would indicate lower transportation costs or better access to public transit for the households living there. Lighter shaded tracts would show higher transportation costs and less access to transit.

For question (1)(c)(iii), program participants should consider whether transportation-related local programs, policies, and practices affect a person's access to proficient school, jobs, and other areas with opportunities. In answering this question, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant. Program participants should consider whether transportation systems designed for use of personal vehicles impact the ability of protected class groups' access to transportation due to the lack of vehicle ownership.

### Access to Low Poverty Neighborhoods

For question (1)(d)(i), refer to the Low Poverty Index in Table 12. The Low Poverty Index measures concentration of poverty by neighborhood. In effect, a higher value on this index indicates a higher likelihood that a family may live in a low poverty neighborhood. A lower value on the Index indicates that households in the protected group have a higher likelihood of living in a neighborhood with higher concentrations of poverty.

For question (1)(d)(ii) use Map 12, which shows residency patterns of racial/ethnic and national origin groups and families with children. The map also shows values for the Low Poverty Index with shading at the neighborhood (census tract) level. Darker shading (i.e. a higher value on the index) in a tract indicates a lower level of poverty. Lighter shading in a tract indicates a lower (worse) value on the Index and thus a higher concentration of poverty in that tract.



For question (1)(d)(iii), to the extent local policies and practices are discussed, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant.

#### Access to Environmentally Healthy Neighborhoods

For question (1)(e)(i), refer to the Environmental Health Index in Table 12. The Environmental Health Index measures exposure based on EPA estimates of air quality carcinogenic, respiratory and neurological toxins by neighborhood.

For question (1)(e)(ii), use Map 13, which shows residency patterns of racial/ethnic and national origin groups and families with children. The map also shows values for the Environmental Health Index with shading at the neighborhood (census tract) level indicating levels of exposure to environmental health hazards for the jurisdiction and the region. To answer the question, examine Map 13, by race/ethnicity, national origin, and familial status, to identify differences in exposure to environmental health hazards by protected characteristic. In general, Map 13 may be more useful in showing broader overall patterns, rather than in differences between individual neighborhoods.

While the Environment Health Index is limited to issues related to air quality, for these questions on environmentally healthy neighborhoods program participants may also discuss other indicators of environmental health, based on local data and local knowledge. Environmental-related policies may include the siting of highways, industrial plants, or waste sites.

#### Patterns in Disparities in Access to Opportunity

For question (1)(f)(i), refer to the answers provided in question (1)(a)-(e).

For question (1)(f)(ii), refer to the answers provided in questions (1)(a)-(e) identify areas that experience high access and low access across multiple opportunity indicators. Include in the response whether these areas align with previously identified patterns of segregation, integration, and R/ECAPs for both the jurisdiction and the region. Program participants may also refer to Maps 7-13.

#### Additional Information

Understanding the limitations of the HUD-provided data discussed in the introduction to the instructions, using local data and knowledge, complete question (2)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, and familial status. Include any relevant information about other protected characteristics, but note that the analysis of disability is specifically considered in Section V(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D). Program participants should provide any relevant information relating to disparities in access to opportunity based on protected class for each opportunity area (education, employment, transportation, low poverty, and environmental health).

For question (2)(b), program participants may include any additional relevant information related to their analysis of disparities in access to opportunity in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as increasing access to opportunity.

#### Disparities in Access to Opportunity: Contributing Factors

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with disparities in access to opportunity, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of disparities in access to opportunity. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

If the contributing factors identified are applicable to all program participants in a joint or regional collaboration, indicate that they are applicable to all. If certain contributing factors are applicable to only certain program participants in a joint or regional collaboration, note which program participant the contributing factor relates to.

Program participants are expected to identify contributing factors identified in the HUD-provided data, local data, and local knowledge, and community participation, regardless of their ability to impact or exert control over these contributing factors. A program participant need not set a goal to address a contributing factor over which it maintains no control, unless the program participant is participating in a collaborative AFH where working with another entity would be practicable to achieve positive fair housing outcomes.

#### **iv. Disproportionate Housing Needs**

HUD is providing both maps and tables applicable to this section. Map 6 displays the prevalence of any of four housing problems (housing cost burden greater 30 percent of income), inadequate housing conditions (incomplete kitchen or plumbing), or overcrowding.) Darker shading on the map indicates a higher prevalence of any of the four housing problems for that census tract. The map also displays residential living patterns by race/ethnicity, national origin, and families with children with a dot density overlay, as well as R/ECAP outlines.

The HUD-provided tables show the number and percent of households by race/ethnicity and family size that are experiencing housing-related problems. Table 9 shows the number and percent of households experiencing “one of four housing problems”: housing cost burden (defined as paying more than 30% of income for monthly housing costs including utilities), overcrowding, lacking a complete kitchen, or lacking plumbing. The second category is households experiencing “one of four severe housing problems” which are: severe housing cost burden (defined as paying more than half of one’s income for monthly housing costs including utilities), overcrowding, and lacking a complete kitchen, or lacking plumbing.

Table 10 shows the number and percent of households by race/ethnicity and family size experiencing severe housing cost burden.

Table 11 provides data for four publicly supported housing program categories (public housing, project-based section 8, Other Multifamily, and HCV), as well as households occupying units with different numbers of bedrooms. The table also contains the number of households with children occupying units with certain numbers of bedrooms.

Table 16 provides both homeownership and rental rates by race/ethnicity for the jurisdiction and region.

Local data and local knowledge may be particularly useful in answering the Disproportionate Housing Needs questions. For instance, the HUD-provided tables do not include data on homeless persons. Information on homeless individuals and families, including some information on their demographic characteristics (e.g., race/ethnicity, persons with disabilities) is available from a variety of sources. HUD guidance can provide additional information on this topic.

For question (1)(a), refer to Tables 9 and 10. Table 9 shows the number and percent of households that are experiencing either 1) any of four housing problems; or 2) any of four severe housing problems. Table 10 shows the number and percent of households experiencing severe housing cost burden (usually the most common of any of the severe housing problems. Table 10 depicts the same data, but for those experiencing severe housing burdens.

For question (1)(b), refer to Map 6 showing the residential living patterns for persons by race/ethnicity, national origin, and families with children overlaid on shading indicating the percentage of households experiencing one or more housing problems in a particular census tract. Darker shading indicates a higher prevalence of such problems. The map also includes R/ECAP outlines.

For question (1)(c), local data and local knowledge may be particularly useful. Tables 9 and 11 may also be useful in providing some relevant information for the jurisdiction. Table 9 shows housing needs experienced by families with 5 or more persons (used to approximate the population of families with children). Table 11 shows the number of households occupying units of various sizes (0-1 bedrooms, 2 bedrooms, 3 or more bedrooms) in four publicly supported housing program categories (public housing, Project-based Section 8, Other Multifamily, and HCV). Table 11 shows the number of households with children currently residing in each of those four program categories.

For question (1)(d), refer to Table 16, which shows homeownership and rental rates by race/ethnicity for the jurisdiction. Local data and local knowledge may also be particularly useful in answering this question.

Understanding the limitations of the HUD-provided data discussed in the introduction to the instruction, using local data and knowledge, complete question (2). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, and familial status. Include any relevant information about other protected characteristics, but note that the analysis of disability is specifically considered in Section V(D). Program participants may include any relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of disproportionate housing needs in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with disproportionate housing needs, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of disproportionate housing needs. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

If the contributing factors identified are applicable to all program participants in a joint or regional collaboration, indicate that they are applicable to all. If certain contributing factors are applicable to only certain program participants in a joint or regional collaboration, note which program participant the contributing factor relates to.

### C. Publicly Supported Housing<sup>7</sup> Analysis

Data on publicly supported housing is grouped into five program categories: public housing; project-based Section 8; Section 8 tenant-based Housing Choice Vouchers (HCV); Other Multifamily housing (including Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities); and Low-Income Housing Tax Credit (LIHTC) housing. Relevant information may also include housing converted through the Rental Assistance Demonstration (RAD), which may be analyzed as part of Housing Choice Vouchers. HUD has included RAD as a separate category for two specific questions in this section for policy reasons. Some tables and maps provided include information on some of the program categories but not others based on availability of the data. Where a housing development includes more than one category of publicly supported housing, this development is reported in data for each housing category (e.g., project-based Section 8 combined with LIHTC). Note that other publicly supported housing programs, for instance those funded through state and local programs or by other federal agencies, such as USDA's Rural Housing Service and the Veteran's Administration, or other HUD programs that are not covered in the HUD-provided data may be relevant to the analysis.

In answering questions related to Low Income Housing Tax Credits, program participants may distinguish between different uses of LIHTC, including new construction and rehabilitation (which may include the preservation of HUD assisted developments as long-term affordable housing) as well as between four percent and nine percent LIHTC developments, which have different selection criteria. Four percent LIHTCs may be awarded to developments that have received a tax-exempt bond allocation, but may also be subject to threshold criteria in the State's Qualified Allocation Plan (QAP). Nine percent LIHTCs are competitively awarded and governed by the QAP selection criteria. Distinguishing between how four percent and nine percent LIHTC developments may be useful in understanding how they influence the location of new construction of affordable housing and how they can be used to meet a wide variety of key policy objectives consistent with fair housing requirements.

Data related to public housing may be affected by asset management project (AMP) groupings.<sup>8</sup> For instance, where public housing agencies report data for developments located at different sites as one AMP, the map showing the locations of the categories of publicly supported housing will only display this data at one location. Similarly, the table showing the census tract and occupancy of public housing will only show AMP groupings once, rather than for each site. In certain circumstances AMP groupings may affect the fair housing analysis. For example, AMP groupings will impede siting and occupancy analyses where AMP groupings have combined buildings that are in demographically different neighborhoods. For this reason, local data and local knowledge relating to the siting and occupancy of publicly supported housing may be particularly useful in answering the questions in this section.

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<sup>7</sup> The term "publicly supported housing" refers to housing assisted, subsidized, or financed with funding through Federal, State, or local agencies or programs as well as housing that is financed or administered by or through any such agencies or programs. HUD is currently providing data on five specific categories of housing: Public Housing; Project-Based Section 8; "Other Multifamily Housing" (including Section 202 – Supportive Housing for the Elderly and Section 811 – Supportive Housing for Persons with Disabilities); Low Income Housing Tax Credit (LIHTC) housing; and Housing Choice Vouchers (HCV). Other publicly supported housing relevant to the analysis includes housing funded through state and local programs, other federal agencies, such as USDA and VA, or other HUD-funded housing not captured in the five categories listed above.

<sup>8</sup> The Operating Fund Program final rule, published on September 19, 2005, required PHAs to convert to asset management. In practice, this allowed PHAs to group buildings under asset management. All of the AMP groupings are reported as one unit and tied together through the assignment of the same project number.

Note that each publicly supported housing program has its own unique ownership and operations as well as eligibility requirements. Note also that for “Other Multifamily” program category includes separate individual programs (Section 202 with Project Rental Assistance Contracts; and Section 811) that each have separate admissions and eligibility requirements and, like Project-based Section 8, are managed and operated by separate private ownership entities.

HUD also recognizes that the demographics of assisted housing residents can be impacted by a variety of factors including the demographic composition of waiting lists and income targeting requirements of publicly supported housing programs. Note that fair housing issues and contributing factors related to tenant selection and waiting lists may still be relevant.

Conducting a regional analysis can help identify fair housing issues in a broader context, for instance if fair housing issues in the jurisdiction are affected by regional factors, and can inform regional solutions and goal setting. For example, depending on what the regional analysis shows, and always dependent on local conditions, regional solutions could include coordinated or merged waitlists, increasing HCV portability opportunities, affirmative marketing across jurisdictional lines, administering Section 8 vouchers on a regional basis with active mobility counseling, landlord recruitment (including sharing of landlord lists across PHAs) to provide greater access to housing in areas with opportunity or the need for the preservation of affordable housing. This regional analysis can also be compared to the Disproportionate Housing Needs conducted above.

#### Publicly Supported Housing Demographics

For questions (1)(a)(i) refer to Tables 6 and 7. Tables 6 and 7 present data by race/ethnicity for persons occupying four categories of publicly supported housing (public housing, project-based Section 8, Other Multifamily, and HCV) in the jurisdiction. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

For question (1)(a)(ii), use Tables 6 and 7 to compare the demographics of assisted residents in each program category to the assisted demographics of the same program category in the overall region. For example, compare the demographics of public housing residents in the jurisdiction to the demographics of public housing residents in the overall region.

For question (1)(a)(iii), refer to Table 6, which includes race/ethnicity data for the total population in the jurisdiction and for persons meeting the income eligibility requirements for a relevant category of publicly supported housing.

#### Publicly Supported Housing Location and Occupancy

For questions (1)(b)(i) and (ii) refer to Map 5, which are race/ethnicity dot density maps with a publicly supported housing overlay, including outlines of R/ECAPS. In Map 5, symbols representing four categories of publicly supported housing indicate the location of a development of that category of housing. Note that some developments may represent multiple buildings or projects that are not necessarily located at the same address the symbol represents.<sup>9</sup> Map 5 also contains a thematic map layer depicting the density of HCV usage by census tract. Darker shading represents a heavier concentration of vouchers. Map 5 does not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations are often affected differently by laws, policies and practices, resulting in significantly different

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<sup>9</sup> HUD notes that the Data and Mapping Tool currently incorrectly notes the locations of scattered site developments by assigning a single location to the entire “development.” While the tenant data for such development may still be useful, the census tract demographic information for these developments may be incorrect when such developments are actually located across multiple census tracts. This data may be present in Map 5, the Map 5 Query tool and in the data in Tables 7 and 8. Local data or local knowledge may be particularly useful in addressing locations of scattered site developments

siting patterns. Local knowledge may be particularly useful in answering this portion of the question.

For question (1)(b)(iii), use Table 7, which shows the percentage of occupants in four publicly supported housing program categories (public housing, project-based Section 8, Other Multifamily, and HCV) in units located either within R/ECAPs or outside of R/ECAPs. The table also breaks out this information by race/ethnicity, elderly and disability status. To answer the question, compare the percentage of occupants sharing a protected characteristic living in units located in R/ECAPS to the percentage of occupants sharing the same protected characteristic living in units outside of R/ECAPS. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

For question (1)(b)(iv)(A), refer to both the HUD-provided data and local data and local knowledge. Table 8 shows the racial/ethnic composition and percentage of households with children occupying public housing in the jurisdiction. Local data and local knowledge may be informative for both properties converted under RAD and for LIHTC developments.

Compare the demographic occupancy data of developments to other developments of the same category in the jurisdiction. In analyzing Table 8, be aware that the demographic occupancy information is affected by the size of the development – smaller developments may appear to have greater variance, but note that in small developments, a difference of a few units may alter the overall percentage of the occupancy demographic composition.

For question (1)(b)(iv)(B), Table 8 is provided for program participants' use, however neither Table 8 nor the Map Query Tool are required to be used for this question. Local data and local knowledge, including information obtained through the community participation process, may be particularly useful in answering this portion of the question.

In answering the questions in (1)(b)(iv), program participants should take efforts to comply with the Privacy Act of 1974 (5 U.S.C. § 552a), and applicable State laws in the collection, maintenance, use and dissemination of personally identifiable information. HUD privacy requirements restrict the reporting of tenant information, including race or ethnicity or income levels for tenant households in projects with 10 or fewer units.

For question (1)(b)(v), refer to Table 8 and Map 5 and the Map 5 Query Tool. Table 8 includes development-level demographic characteristics of residents of three program categories (public housing, project-based Section 8, and Other Multifamily) for the jurisdiction. Map 5 shows the location of individual developments for four program categories (public housing, project-based Section 8, Other Multifamily, and LIHTC). Note that census tract boundaries may not align with “neighborhoods” or “areas” as commonly understood at the local level, and local knowledge may be useful to assist in the comparison.

The Map 5 Query Tool allows sorting and exporting of census tract and occupancy demographic data from Map 5 to generate a table for the categories of publicly supported housing (i.e., public housing, project-based Section 8, Other Multifamily assisted developments (e.g., Sections 202 and 811), and LIHTC, provided that it excludes occupancy demographic data for LIHTC developments, which should be analyzed using local data and local knowledge).

For question (1)(b)(v),, compare the demographic occupancy data of developments in the jurisdiction to the areas in which they are located.

#### Publicly Supported Housing: Disparities in Access to Opportunity

For question (1)(c)(i), refer to the opportunity indicators analyzed in Section B Maps 7 through 13, which depict the opportunity indicators with the location of publicly supported housing.<sup>10</sup> Note that while the location of housing may be relevant to analysis, it is not the only factor in analyzing disparities in access to opportunity. “Access” in this context encompasses consideration of infrastructure or policies related to where a person lives that impact an individual’s ability to benefit from an opportunity, such as available transportation to a job, school enrollment policies, program eligibility criteria, or local labor laws. As noted above, the HUD-provided maps do not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations often reveal distinct patterns. Local knowledge may be particularly useful in answering this portion of the question.

#### Publicly Supported Housing: Additional Information

For question 2(a), understanding the limitations of the HUD-provided data discussed in the introduction to the instructions, using local data and knowledge, complete question (2). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, familial status, and limited data on disability. Include any relevant information about other protected characteristics – but note that the analysis of disability is also specifically considered in Section V(D). Program participants may include an analysis of disability here, but still must include such analysis in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of publicly supported housing in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs, expanding opportunity into R/ECAPs by addressing the combined effects of segregation coupled with poverty, increasing integration, and increasing access to opportunity, such as high-performing schools, transportation, and jobs. Program participants may describe efforts aimed at preserving affordable housing, including use of funds for rehabilitation, enacting tenant right to purchase requirements, providing incentives to extend existing affordable use agreements and preventing Section 8 opt-outs, encouraging the use of RAD conversion and the PBRA transfer authority. Program participants may also describe positive community assets and organizations, including community development corporations, non-profits, tenant organizations, community credit unions and community gardens.

Publicly Supported Housing: Contributing Factors For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with publicly supported housing, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to publicly supported housing. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

If the contributing factors identified are applicable to all program participants in a joint or regional collaboration, indicate that they are applicable to all. If certain contributing factors are applicable to only certain program participants in a joint or regional collaboration, note which program participant the contributing factor relates to.

#### **D. Disability and Access Analysis**

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<sup>10</sup> Please note HUD anticipates that this additional layer to Maps 7-13 depicting the locations of publicly supported housing will be available at a future date, but may not be available at the time this Assessment Tool is finalized. .

There are limited sources of nationally uniform data on the extent to which individuals with disabilities are able to access housing and other community assets. Local data and local knowledge may be particularly useful in completing this section, including, but not limited to, information provided by the public, outside organizations and other government agencies in the community participation process.

For question (1)(a), refer to Map 14 and Table 13. Map 14 depicts a dot density distribution by disability type (hearing, vision, cognition, ambulatory, self-care, independent living) for the jurisdiction and the region. The map also includes R/ECAP outlines. Table 13 provides data on the percentage of the population with types of disabilities in the jurisdiction and the region.

For question (1)(b), refer to Maps 14 and 15 and Table 15. Map 14 depicts a dot density distribution of persons with disabilities by age (5-17, 18-64, and 65+) for the jurisdiction and the region. Table 15 provides data on the percentage of the population with disabilities by age for the jurisdiction and the region.

For questions (2)(a) HUD is unable to provide data at this time, as there is limited nationally available disability-related data at this time, including data relating to accessible housing; however, to assist with answering these questions, program participants may refer to the maps provided by HUD to identify R/ECAPs or other segregated areas identified in previous sections.

For questions (2)(b) HUD is unable to provide data at this time. Single-family housing is generally not accessible to persons with disabilities unless state or local law requires it to be accessible or the housing is part of a HUD-funded program or other program providing for accessibility features. The Fair Housing Act requires that most multifamily properties built after 1991 meet federal accessibility standards. As a result, multifamily housing built after this date, if built in compliance with federal law would meet this minimum level of accessibility, while buildings built before this date generally would not be accessible. The age of housing stock can be a useful measure in answering this question. In addition, affordable housing subject to Section 504 of the Rehabilitation Act must include a percentage of units accessible for individuals with physical mobility impairments and units accessible for individuals with hearing or vision impairments. Map 5, which shows the location of four types of publicly supported housing, may also be useful in answering this question.

For question (2)(c), refer to Table 15. Table 15 provides data on the number and percentage of persons with disabilities residing in four categories of publicly supported housing in both the jurisdiction and the region. In answering the question, consider policies and practices that impact individuals' ability to access the housing, including such things as wait list procedures, admissions or occupancy policies (e.g., income targeting for new admissions), residency preferences, availability of different accessibility features, and website accessibility.

The Fair Housing Act, Section 504, and the ADA contain mandates related to integrated settings for persons with disabilities. Integrated settings are those that enable individuals with disabilities to live and interact with individuals without disabilities to the greatest extent possible and receive the healthcare and supportive services from the provider of their choice. To answer questions (3) (a) and (b), refer to HUD's "Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*."<sup>11</sup>

Local data and local knowledge will likely be particularly useful in answering the questions in the Disability and Access section. Sources of location data and local knowledge may include, among others, data Centers for Medicare & Medicaid Services' data from the Money Follows the Person demonstration or on persons with disabilities living in nursing facilities and intermediate care

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<sup>11</sup> HUD's *Olmstead* Statement can be found at: <http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.



facilities, HUD data on persons with disabilities experiencing homelessness, information provided by individuals with disabilities, federally-funded independent living centers, state protection and advocacy organizations, advocacy organizations representing the spectrum of disabilities, state developmental disability councils and agencies, and state mental health/behavioral health agencies. Topics for consideration may include the length of wait lists for accessible units in publicly supported housing, availability of accessible units in non-publicly supported housing available to HCV participants, whether public funding (e.g. CDBG funds) or tax credits are available for reasonable modifications in rental units and/or for homeowners, whether accessible units are occupied by households requiring accessibility features, and whether publicly supported housing is in compliance with accessibility requirements.

To ensure meaningful analysis of these questions, program participants may need to obtain information from state disability service authorities, which may include, for example, the developmental disabilities authority, mental health authority, social or human services department, and the state Medicaid agency, each of which is likely to have ready access to reliable information concerning the location and frequency of individuals with disabilities. A state's Olmstead Plan may contain useful information in answering these questions.

For questions (4)(a)-(c), HUD is unable to provide data, as there is limited nationally available disability-related data. Local data and local knowledge will likely be particularly useful in answering questions.

For question (5)(a), program participants may refer to Tables 9, 10, and 11 and Map 6 for data relating to disproportionate housing needs. However, this data is not specific to individuals with disabilities, as such local data and local knowledge may be particularly useful in answering this question. Program participants should also include whether there is a loss of affordable housing for persons with disabilities in the jurisdiction or region.

Understanding the limitations of the HUD-provided data discussed above, complete question (6) (a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on certain types of disabilities and for the ages of persons with disabilities. Include any relevant information about other protected characteristics.

For question (6)(b), program participants may include any additional relevant information related to their analysis of disability and access in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation, and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs, expanding opportunity into R/ECAPs by addressing the combined effects of segregation coupled with poverty, increasing integration, and increasing access to opportunity, such as high-performing schools, transportation, and jobs.

For question (7), consider the list of factors provided, which are those most commonly associated with disability and access, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to disability and access. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

If the contributing factors identified are applicable to all program participants in a joint or regional collaboration, indicate that they are applicable to all. If certain contributing factors are applicable to only certain program participants in a joint or regional collaboration, note which program participant the contributing factor relates to.

## **E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis**

Complete question (1). A summary of cases would typically include the parties, claims, and current status.

Complete question (2). Note that in the context of state and local fair housing and civil rights laws and ordinances, program participants may also discuss additional protected classes covered under those laws and ordinances.

For question (3), list the agencies and organizations that provide fair housing information in the jurisdiction and region. Include a description of their capacity and resources available to them.

For questions (4)(a) and (b), program participants may include any additional relevant information related to their analysis of fair housing enforcement, outreach capacity, and resources in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs, transforming expanding opportunity into R/ECAPs by addressing the combined effects of segregation coupled with poverty, increasing integration, and increasing access to opportunity, such as high-performing schools, transportation, and jobs.

For question (5), consider the list of factors provided, which are those most commonly associated with fair housing enforcement, outreach capacity, and resources, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to fair housing enforcement, outreach capacity, and resources. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

If the contributing factors identified are applicable to all program participants in a joint or regional collaboration, indicate that they are applicable to all. If certain contributing factors are applicable to only certain program participants in a joint or regional collaboration, note which program participant the contributing factor relates to.

## **F. Instructions for 1,250 Units or fewer PHA Insert**

This section is only to be completed when an eligible PHA partners with a Local Government, when the Local Government is the lead entity in the joint or regional Assessment of Fair Housing. A collaborating PHA's analysis of fair housing issues in its Assessment of Fair Housing may either be conducted by using this section or sections V.A.-E. of the Assessment Tool for its service area and region, along with all other sections in this Assessment Tool, and as directed by the questions and instructions.

When collaborating to submit a joint or regional AFH, program participants may divide work as they choose. However, this assessment tool provides a potential division of work local governments partnering with one or more PHAs.

PHA may use either the PHA insert or the main portion of the assessment tool to analyze the PHA's service area (and region, if applicable). The PHA insert is intended to reduce burden for PHAs by providing a streamlined set of questions for their service area. A PHA insert needs to be completed for each collaborating PHA. Additionally, for PHAs in the same CBSA as the Local Government acting as the lead entity for the collaboration, the lead entity's analysis is expected to meet the requirements of the PHA's region. However, answers need not be duplicated and the PHA can reference the applicable answer in the main Assessment Tool if the answer is also responsive to the PHA's service area. For PHAs whose service area extends beyond, or is outside

of, the lead entity’s CBSA, the analysis conducted using the insert must cover the PHA’s service area and region. For purposes of this Assessment Tool, the PHA region is defined as the CBSA if the PHA service area is within the CBSA. The language in the questions in this insert referring to “region, if applicable” is intended to apply to program participants whose service area extends beyond, or is outside of, the lead Local Government’s region.

PHA Regional Analysis

The following identifies the required regional analysis for PHAs in different geographic areas. There are multiple parts to this explanation: (1) a description of the service area, also known as the jurisdiction, of various size PHAs in terms of their authorized geographic operations; (2) a description of the PHA’s region for purposes of analysis under the AFFH rule; (3) a description of the HUD-provided data for the PHA’s applicable region; (4) instructions related to use of data and identification of fair housing issues and related contributing factors for different size PHAs; and (5) instructions related to rural PHAs, State PHAs, and PHAs in Insular Areas.

<b>PHA Jurisdiction/Service Area</b>	<b>HUD-Provided Data for PHA Region</b>
<b>Metropolitan and Micropolitan (CBSA) PHAs:</b> PHA jurisdiction/service area is located within a CBSA	Maps and Tables for the CBSA
<b>Sub-County Rural (Non-CBSA) PHAs:</b> PHA jurisdiction/service area is outside of a CBSA and smaller than a county	Tables for the county. Maps are available for the county and if patterns of segregation, R/ECAPs, disparities in access to opportunity extend into a broader area, maps are also available to identify such patterns, trends, and issues.
<b>County-Wide or Larger Rural (Non-CBSA) PHAs<sup>12</sup>:</b> PHA jurisdiction/service area is outside of a CBSA and boundaries are consistent with the county or larger	Tables for all contiguous counties, including PHA county, in the same state. Maps are available for all counties and if patterns of segregation, R/ECAPs, disparities in access to opportunity extend into a broader area, maps are also available to identify such patterns, trends, and issues.
<b>Statewide PHAs:</b> The PHA’s jurisdiction/service area is the State.	HUD will generally provide data consistent with that provided to the State. Maps may be used to analyze fair housing issues that extend beyond the state’s borders, where applicable, but tables are provided with data within the state’s borders.

\* All references to counties include counties or statistically equivalent areas (e.g. parishes)

HUD-Provided Data to Facilitate PHA Regional Analysis

As the above chart indicates, HUD will provide regional data for PHAs with different service areas based on geographic areas used by the U.S. Census Bureau. As explained in more detail below, the standard data that HUD will provide may not always be the most relevant from a fair housing perspective. For PHAs and all other program participants under the AFFH rule, the Assessment Tool is framed so that it can be applied to a wide variety of different agency types and geographies

<sup>12</sup> HUD acknowledges that there are other PHAs, including regional PHAs, that may have differing or unique geographies from the categories in this table. HUD may provide data in the AFFH Data and Mapping Tool for such PHAs appropriate for their geographies based on administrative and data considerations. All program participants are required to conduct an analysis of their jurisdiction and region consistent with the AFFH Final Rule.

with unique fair housing issues and contextual circumstances. Note that in completing the assessment tool, program participants must use the HUD-provided data, as well as local data and local knowledge, and information received in the community participation process.

### ***For PHAs located inside a CBSA***

In general, for PHAs located within Core Based Statistical Areas (CBSAs), HUD is providing data related to a PHA's region at the CBSA level (as defined by the Office of Management and Budget (OMB)) as a way to provide a relative statistical benchmark for certain portions of the fair housing analysis. A CBSA is made up of one or more counties that are part of a metropolitan or micropolitan area.<sup>13</sup> A CBSA may cover a single county or more than one county and may cross state boundaries.<sup>14</sup> OMB's guidance states that "This classification is intended to provide nationally consistent definitions for collecting, tabulating, and publishing Federal statistics for a set of geographic areas."<sup>15</sup> OMB has also offered guidance relating to program uses of the statistical area definition and explained that CBSA delineations "should not serve as a general-purpose geographic framework for non-statistical activities."

Because of this limitation of the CBSA level data, it may not always serve as the most relevant reference point when conducting a fair housing analysis. For example, local data and local knowledge may show fair housing issues not depicted at the CBSA level. The outer bounds of a CBSA (e.g. in the case of a larger CBSA) may not always be relevant when viewing regional maps. There may also be situations where relevant patterns related to the fair housing analysis extend beyond the CBSA. When conducting a regional analysis, HUD does not generally expect a program participant to conduct a neighborhood-by-neighborhood analysis of the entire CBSA, but rather to use the maps as a contextual tool and to focus on the fair housing patterns and trends in the region as they relate to fair housing choice.

### *Scope of the Regional Analysis in a CBSA*

This regional analysis may include a more detailed focus on the immediate jurisdictions surrounding a PHA service area. The regional analysis informs goal-setting, which, while locally determined based on the analysis, may include, among others, increasing efforts at tenant mobility and HCV utilization or new construction or transfers of assistance to increase or target the supply of rental housing in areas of opportunity and address fair housing issues inside and outside of the PHA service area.

When assessing tables that provide summary data at the regional level, distinct patterns across multiple jurisdictions or service areas may not be apparent from the HUD provided data. Use of local data and local knowledge, including information obtained through community participation, may allow for a more refined fair housing analysis beyond that which may be conducted with the HUD-provided data alone. HUD recognizes this will require information sharing and or regional collaboration among PHAs and local governments in a region. HUD will continue to encourage program participants to share regional analysis and information among program participants in a region.

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<sup>13</sup> Metropolitan areas have an urban core of 50,000 or more residents and any adjacent counties that have a high degree of social and economic integration with the urban core (as measured by commuting to work). Micropolitan areas have a smaller population in the urban core—at least 10,000 but less than 50,000—and also include adjacent counties with a high degree of social and economic integration with the urban core. The CBSA includes all adjacent counties that are within a metropolitan or micropolitan area.

<sup>14</sup> Maps of CBSA boundaries can be found on the U.S. Census Bureau website at: <https://www.census.gov/geo/maps-data/maps/statecbsa.html>.

<sup>15</sup> OMB Bulletin No. 04-03, available at [https://www.whitehouse.gov/omb/bulletins\\_fy04\\_b04-03](https://www.whitehouse.gov/omb/bulletins_fy04_b04-03).

Where HUD has not provided data for a specific question in the Assessment Tool and program participants do not have local data or local knowledge that would assist in answering the question, including information obtained through community participation, PHAs are expected to note this rather than leaving the question blank.

In instances when a PHA must consider a regional analysis of a larger CBSA, using caution, PHAs may use the AFH analyses of other local governments and PHAs to inform, but not substitute, their regional analysis. The relevance of the analyses of other local governments and PHAs may decrease in the outlying areas of a large CBSA region. However, understanding the broader context of the CBSA region will be helpful to contextualize the fair housing issues affecting the PHA's jurisdiction, residential living patterns, demographics, fair housing issues, contributing factors, and goal setting, which may include increased HCV mobility and portability efforts in this regional area, among others. Such an analysis is particularly important for PHAs whose operations may extend outside of the service area. For example, some service areas may be confined under State or local law to particular geographies, but allow certain PHAs to site and operate developments, or administer vouchers, within a certain number of miles outside of a particular service area.

To provide more policy context, the regional analysis is intended to assist PHAs by informing each of the primary steps in the AFH: analyzing fair housing issues, identifying contributing factors, prioritizing contributing factors, and setting goals. PHAs will translate this analysis into locally established goals and solutions to affirmatively further fair housing, which may involve, depending on the context, mobility and place-based investments, and for collaborative and outreach goals that address contributing factors within and outside of the service area. PHAs will implement the goals through strategies and actions in the PHA 5-Year and Annual Plans, including any plans incorporated therein.

*For PHAs located Outside of CBSAs: Rural PHAs*

For PHAs outside of CBSAs, i.e., rural PHAs, the size of the region for purposes of analysis under the Assessment Tool and the HUD-provided data will vary.

For PHAs that are located outside of a CBSA with a service area that is smaller than a county, the HUD-provided tables for the PHA's region will include the entire county. The HUD-provided maps will allow for evaluation of fair housing issues and trends that extend into other counties.

HUD acknowledges that the data it is providing for these more rural areas has known limitations and may not always provide a useful means of analyzing all relevant fair housing issues. For instance, dot density maps may not always be useful for very small service areas (e.g., a town) or for large geographic areas with low population density. Similarly, the tables may include protected class groups with very low populations and this may affect the usefulness of some tables. It is still important to note that protected class groups may still face fair housing issues, even with small overall populations. Rural agencies, including 1,250 Unit or fewer PHAs, will often find their own local data and local knowledge, as well as information obtained through community participation, to be more relevant to their areas and for their program and policy considerations. For such PHAs, local data and local knowledge, including information obtained through the community participation process, may be particularly useful in completing their AFH.

Because of this limitation of rural data, particularly within larger rural counties, the HUD-provided data may not always serve as the most relevant reference point when conducting a fair housing analysis. For example, local data and local knowledge may show fair housing issues not depicted at the regional level. The outer bounds of such rural counties may not always be relevant when viewing regional maps. There may also be situations where relevant patterns related to the fair housing analysis extend beyond such a region. When conducting a regional analysis, HUD does not

generally expect a program participant to conduct a neighborhood-by-neighborhood analysis of large rural counties, but rather to use the maps as a contextual tool and to focus on the fair housing patterns and trends in the region as they relate to fair housing choice.

For PHAs located outside of a CBSA with a service area whose boundary is consistent with the county or statistically equivalent, or which extends into another county, the HUD-provided tables will include all contiguous counties or statistically equivalents within the State in which the PHA is located and including the counties in which the PHA operates. For those PHAs whose service area is adjacent to the border with another State, the HUD-provided data will not always include tables for the county or statistically equivalent beyond the PHA's own state, but will include maps that extend beyond such areas to identify patterns and trends among fair housing issues that extend into another state or broader geographic area. This regional analysis will cover adjacent counties that border the PHA's service area in another State. Rental market supply, employment and labor market issues, patterns of segregation, R/ECAPs, and other fair housing issues can affect the fair housing issues in relation to the PHA's operations. In circumstances where a rural PHA borders a state and where the regional geography in another State precludes travel into the service area because of water, mountains, or other barriers without any passage, HUD does not expect such PHAs to analyze the areas in the other state. For such PHAs, local data and local knowledge, including information obtained through the community participation process, may be particularly useful in completing their AFH.

#### *Statewide PHAs*

PHAs that have service areas consistent with the boundaries of the State have the same region as the State, i.e., the regional analysis covers the State and areas that extend into another state or broader geographic area. Such PHAs may submit an AFH either using this Assessment Tool or the Assessment Tool designed for States.

For Statewide PHAs, the HUD-provided data will be provided for that State, and will include maps for areas outside the State, but not tables. Consistent with the instructions for State program participants using the assessment tool for States and Insular Areas, Statewide PHAs will need to consider fair housing issues that extend beyond the State's borders, such as if areas of segregation or R/ECAPs extend beyond the border into another state or if there are larger economic or demographic trends affecting the PHA's service area. The HUD-provided maps may be useful to view fair housing issues and patterns extending into other States. To conduct additional regional analysis, these PHAs will need to rely on local data and local knowledge, including information obtained through the community participation process.

#### *PHAs within Insular Areas*

There is limited nationally-uniform data available for Insular Areas. As such, there is limited nationally-uniform data available for PHAs in Insular Areas. HUD notes some data limitations for some sources of information used in the AFFH Data and Mapping Tool in relation to Insular Areas. The American Community Survey, used for some maps and data elements, is not available for Insular Areas. However, the 2010 Decennial Census along with HUD administrative data on program activities and assisted housing residents are available. HUD anticipates that it will improve the provision of data it will be providing for Insular Areas to assist them in assessing demographic information to better inform local fair housing planning and decision-making.

In cases where data is unavailable, HUD expects that insular areas will consult local data and local knowledge, including information obtained through community participation, when conducting its AFH.

The AFFH rule requires all program participants to conduct a jurisdictional and regional analysis when completing their AFHs. HUD acknowledges that portions of certain questions requiring a regional analysis may not always be applicable to insular areas. Program participants in these areas should, for instance, focus on demographic and economic trends affecting the fair housing issues in their jurisdiction.

### Demographics

For question (1), use Tables 1 and 2 to describe demographic patterns in the service area. Use Table 2 to explain how trends have changed over time (since 1990). Local data and local knowledge, including information obtained through the community participation process may be particularly useful in answering the question

### Segregation/Integration

For question (2), refer to Maps 1, 2, 3 and 4. Maps 1 and 2 provide residential living patterns by race/ethnicity, and Map 2 provides for how these patterns have changed between 1990, 2000, and 2010. Map 3 provides residential living patterns for national origin and Map 4 provides residential living patterns for limited English proficient (LEP) individuals. These maps also contain R/ECAP outlines. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation section of the main Assessment Tool.

### R/ECAPs

For question (3), refer to Maps 1, 2, 3, and 4, and Table 4. Maps 1 and 2 provide residential living patterns by race/ethnicity, and Map 2 provides for how these patterns have changed between 1990, 2000, and 2010. Map 3 provides residential living patterns for national origin and Map 4 provides residential living patterns for limited English proficient (LEP) individuals. These maps also contain R/ECAP outlines. Table 4 contains the demographics of those living in R/ECAPs. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the R/ECAPs section of the main Assessment Tool for additional information related to the maps and tables.

### Disparities in Access to Opportunity

For question (4), refer to Maps 7-13. Maps 7-13 depict the opportunity indices by census tract and contain residential living patterns by race/ethnicity, national origin, and families with children. Darker shading on these maps generally indicates greater access to that opportunity indicator. Table 12 is provided for use, but is not required for use by PHAs. Table 12 contains the opportunity indices, by race/ethnicity. Program participants may refer to the instructions for the Disparities in Access to Opportunity section of the main assessment tool for additional information related to the maps and tables.

HUD recognizes that the subjects covered in the Disparities in Access to Opportunity Section may be beyond the control of the PHA performing the analysis. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering questions beyond the HUD provided Data. PHAs may wish to consult with local entities such as local school districts or state or local governments to inform their analysis for this section.

Analysis of disparities in access to opportunity for the PHA’s service area can be helpful for considering how the PHA’s own assets (and HCVs where applicable) are positioned and in identifying places in the surrounding area that might be appropriate for additional new affordable housing opportunities when possible. The analysis will also be applied in the following section for a more specific comparison of the location of PHA assets. Examining any disparities in access to opportunity for the PHA’s own residents and HCV holders based on protected class in comparison to the general population may inform the PHA’s goal setting. For example, it may assist PHAs in considering the potential need for place-based community revitalization or services for assisted households, or the need for additional mobility options or siting of new affordable housing opportunities where those are possible.

### Disproportionate Housing Needs

For question (5), refer to Tables 9 and 10 Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disproportionate Housing Needs section of the main assessment tool for additional information related to the maps and tables.

The analysis questions on Disproportionate Housing Needs may be useful for informing the overriding housing needs analysis that is required for the 5-Year PHA plan. The analysis can help inform goals related to affirmative marketing, interagency coordination, HCV policies on portability, shared waiting lists, as well as admissions preferences and similar policies. However, please note that the disproportionate housing analysis in this Assessment Tool is designed to analyze fair housing issues.

### Contributing Factors

PHAs must also identify any contributing factors for each fair housing issue assessed in the insert, as well as establish individual goals in that section of the Assessment Tool.

The potential contributing factors listed in this section have been divided into factors that are likely to be crosscutting across all fair housing issues, and other that are more likely to relate to a particular fair housing issue. The lists are non-exhaustive and program participants may identify any factor on any list or other factors not listed for a particular fair housing issue. To answer question (6), consider the listed factors and identify any factors that significantly create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. Once identified, program participants must specify which fair housing issue(s) the factor has been identified for.

### Publicly Supported Housing

The term “publicly supported housing” refers to housing assisted, subsidized, or financed with funding through Federal, State, or local agencies or programs as well as housing that is financed or administered by or through any such agencies or programs.<sup>16</sup>

For question (7)(a), refer to Tables 17 and 18. Table 17 provides the demographics of the PHA’s assisted households by race/ethnicity, families with children, elderly, and persons with disabilities. Table 18 provides data by race/ethnicity for the PHA’s assisted households (public housing and HCV), as well as the income-eligible and total population in the PHA’s service area. Local data and local knowledge, including information obtained through the community participation process,

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<sup>16</sup> HUD is currently providing data on five specific categories of housing: Public Housing; Project-Based Section 8; Other Multifamily Housing” (including Section 202 – Supportive Housing for the Elderly and Section 811 – Supportive Housing for Persons with Disabilities); Low Income Housing Tax Credit (LIHTC) housing; and Housing Choice Vouchers (HCV). Other publicly supported housing relevant to the analysis includes housing funded through state and local programs, other federal agencies, such as USDA and VA, or other HUD-funded housing not captured in the five categories listed above.



will be particularly useful in answering the question. Program participants may refer to the instructions for the Demographics subsection of the Publicly Supported Housing section of the main Assessment Tool for additional information related to the maps and tables.

For question (7)(b)(i), refer to Map 5. Map 5 includes the locations of publicly supported housing properties in the service area, as well as a thematic layer showing the density of HCV usage by census tract, where darker shading indicates a higher concentration of vouchers, overlaid by race/ethnicity dot density. The Map 5 Query Tool allows sorting and exporting of census tract and occupancy demographic data from Map 5 to generate a table for the categories of publicly supported housing. PHAs may isolate their stock, and can generate a table using the Query Tool to assist in this analysis. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation and R/ECAPs subsection of the Publicly Supported Housing section of the main Assessment Tool for additional information related to the maps and tables.

For question (7)(b)(ii), refer to Table 7. Table 7 provides the demographics of publicly supported housing, by program category, of developments located in R/ECAPs and developments located outside of R/ECAPs. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation and R/ECAPs subsection of the Publicly Supported Housing section of the main Assessment Tool for additional information related to the maps and tables.

For question (7)(b)(iii), refer to Table 8 and the Map 5 Query Tool. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation and R/ECAPs subsection of the Publicly Supported Housing section of the main Assessment Tool for additional information related to the maps and tables.

For question (7)(c), refer to Map 5 and Maps 7-13. Map 5 provides information about where publicly supported housing developments and HCVs are located in the services area, and Maps 7-13 display the opportunity indices overlaid by dot density displaying race/ethnicity, national origin, families with children, and the location of publicly supported housing. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disparities in Access to Opportunity subsection of the Publicly Supported Housing section of the main Assessment Tool for additional information related to the maps and tables. Using the HUD-provided maps, answer the questions by describing areas in the service area (and region, if applicable) that have access to opportunity and identify any disparities in access to opportunity based on protected class. Program participants should note whether the PHA's developments and/or Housing Choice Vouchers, as applicable, are concentrated in areas that have greater or lower access to opportunity indicators.

For questions (7)(d)(i) and (7)(d)(ii), refer to Tables 17 and 18 and the analysis conducted above under "Disproportionate Housing Needs" (based on Tables 9,10 and 11). Tables 17 and 18 contain demographic data for the PHA's assisted households. Table 9 provides the demographics of households with disproportionate housing needs in the service area, Table 10 provides the demographics of households with severe housing cost burden, and Table 11 provides information on publicly supported housing by program category and the units by number of bedrooms, as well as families with children. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disproportionate Housing Needs

subsection of the Publicly Supported Housing section of the main Assessment Tool for additional information related to the maps and tables.

The comparison of assisted households with Disproportionate Housing Needs in the service area (and region, if applicable) may be used to inform the overriding housing needs analysis that is required for the 5-Year PHA plan. The analysis can inform goals related to affirmative marketing, interagency coordination, HCV policies on portability, shared waiting lists, as well as admissions preferences and similar policies. However, please note that the disproportionate housing analysis in this Assessment Tool seeks a fair housing analysis.

For question (7)(e), local data and local knowledge, including information obtained through the community participation process, will be particularly useful.

For question (7)(f), PHAs should refer to Table 6 as well as Map 5 to describe other publicly supported housing program categories in the service area, including how the locations of such housing aligns with segregated areas, integrated areas, and R/ECAPs. Local data and local knowledge, including information obtained through the community participation process, will also be particularly useful.

Several important notes apply to this question, as follows. First, the question applies to the program categories of Project-based Section 8 and Other Multifamily (Section 202 and Section 811). Second, if a regional analysis is applicable under the question, PHAs are not required to conduct a full comparison of all assisted resident demographics to the demographics of the locations (census tracts) in which they are located. For this question any regional analysis, if applicable, does not require the use of Table 8 or the Map 5 Query Tool. On a policy note, the question is intended to elicit information regarding other publicly supported housing that the PHA may find useful in relation to its own program operations and scope of authority in identifying fair housing issues and related contributing factors.

Identify all significant contributing factors in (7)(g). Consider the non-exhaustive list of factors provided, which are those most commonly associated with publicly supported housing, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to publicly supported housing. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

#### Disability and Access

For questions (8)(a)-(c), local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering these questions, as there is limited nationally-uniform data relating to persons with disabilities. Program participants may refer to the instructions for the Disability and Access section of the main Assessment Tool for additional information related to the maps and tables, as well as the instructions below.

For questions (8)(a), refer to Maps 14 and 15. Map 14 provides a dot density map of the residential living patterns of persons with certain types of disabilities in the service area. Map 15 provides a dot density map of the residential living patterns of persons with disabilities by age group in the service area.

For question (8)(b), Local data and local knowledge, including information obtained through the community participation process will also be particularly useful in answering this question. PHAs may refer to Map 5, which may be helpful in identifying the locations of publicly supported housing in the service area (and region, if applicable).

For question (8)(c), PHAs may refer to Maps 14 and 15, which depict where in the service area persons with disabilities reside. However, this question also refers to institutional, and other segregated settings. Local data and local knowledge, including information obtained through the community participation process will also be particularly useful in answering this question.

Identify all significant contributing factors. Consider the non-exhaustive list of factors provided, which are those most commonly associated with disability and access, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to disability and access. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

#### Fair Housing Enforcement

For question (9)(a), local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Fair Housing Enforcement section of the main assessment tool for additional information.

Identify all significant contributing factors in (9)(b). Consider the non-exhaustive list of factors provided, which are those most commonly associated with fair housing enforcement, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to fair housing enforcement. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

#### Additional PHA Information

For question (10), local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question.

### **G. \$500,000 or Less Local Government Insert**

This section is only to be completed when either a local government that received a CDBG grant of \$500,000 or less, including a HOME consortia whose members collectively received \$500,000 or less in CDBG funds or whose members received no CDBG funds, in the most recent fiscal year prior to the due date for the joint or regional AFH collaborates with a local government that received a CDBG grant larger than \$500,000, including a HOME consortia whose members collectively received more than \$500,000 in the most recent fiscal year prior to the due date for the joint or region AFH (collectively, “\$500,000 or Less Local Government”) The \$500,000 or less local government’s analysis of fair housing issues in its Assessment of Fair Housing may either be conducted by using this section or sections V.A.-E. of the Assessment Tool for its jurisdiction and region, along with all other sections in this Assessment Tool, and as directed by the questions and instructions

For small program participants in the same CBSA as the lead Local Government, the analysis is intended to meet the requirements of jurisdictional analysis while relying on the lead Local Government to complete the regional analysis. For small program participants whose service area extends beyond, or is outside of, the lead Local Government’s CBSA, the analysis must cover the small program participant’s jurisdiction and region. Small program participants should refer to the Contributing Factors listed in each section above and will have to identify Contributing Factors. Small program participants must also identify any individual goals

When collaborating to submit a joint or regional AFH, program participants may divide work as they choose. However, this assessment tool provides a potential division of work for a local government that received a CDBG grant of \$500,000 or less, including a HOME consortia whose members collectively received \$500,000 or less in CDBG funds or whose members received no CDBG funds, in the most recent fiscal year prior to the due date for the joint or regional AFH collaborates with a local government that received a CDBG grant larger than \$500,000, including a HOME consortia whose members collectively received more than \$500,000, in the most recent fiscal year prior to the due date for the joint or region AFH.

Program participants that collaborate with such local governments may use either this insert or the main portion of the assessment tool to analyze the local government's jurisdiction. This insert is also intended to reduce burden for small program participants by providing a streamlined set of questions for their jurisdiction. If the collaboration elects to this division of work, this insert needs to be completed for each collaborating small program participant. Additionally, the regional portion of the small program participant's analysis is expected to be fulfilled by the lead entity's analysis of the entire CBSA, provided the local government's region falls within the scope of analysis conducted in the main portion of this assessment tool. For purposes of this assessment tool, the small program participant's region is defined as the CBSA, if the local government is within the CBSA. The language in the questions in this insert referring to "region, if applicable" is intended to apply to program participants whose service area extends beyond, or is outside of, the lead Local Government's region.

HUD is aware of the data limitations of the HUD-provided data, especially for rural areas, and for small geographies such as those where many small program participants are often located. As such, local data and local knowledge, including information gathered from community participation, will be particularly useful in answering questions.

Where HUD has not provided data for a specific question in the Assessment Tool and program participants do not have local data or local knowledge that would assist in answering the question, program participants are expected to note this rather than leaving the question blank

This insert is offered only for the purposes of submitting the jurisdictional analysis of a small program participant collaborating with a local government that receives more than \$500,000 in CDBG funding. If the small program participant's analysis does not meet the requirements of the AFFH Rule, HUD may decide not to accept the AFH with respect to the small program participant, while still accepting the AFH of the local government serving as the lead entity. By collaborating with a small program participant, the local government that is serving as the lead entity is not making itself responsible for carrying out the small program participant's portion of the assessment nor accountable for AFH goals that are specifically designated as small program participant goals, unless the local government that is serving as the lead entity and the small program participant have joint goals.

If the local government serving as the lead entity and the small program participant believe the small program participant insert provided in this assessment tool is not beneficial for the purposes of conducting the required analysis, they may exclude this set of questions from their analysis and complete the questions in the main assessment tool instead for all program participant jurisdictions and regions. All program participants are accountable for the analysis conducted at the jurisdictional and regional level as well as any joint goals and priorities. Program participants are also accountable for their individual analysis, goals, and priorities. (See § 5.156(a)(3).) For example, in a regional collaboration involving two local governments and a small program participant, the local government may conduct certain parts of the joint analysis and the small program participants may conduct other parts, provided all necessary parts are completed. HUD believes it is best left to the program participants in a joint or regional collaboration to decide how

their individual expertise may best contribute to a joint or regional AFH, provided it is consistent with the AFFH rule.

### Demographics

For question (1), refer to Tables 1 and 2. Tables 1 and 2 provide demographic data for the jurisdiction, as well as demographic information from 1990, 2000, and 2010 (Table 2). Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Demographics section of the main assessment tool for additional information related to the maps and tables.

### Segregation/Integration

For question (2)(a), refer to Maps 1, 2, 3 and 4. These maps are dot density maps by race/ethnicity, national origin, and limited English proficiency (LEP). Map 2 contains data from 1990, 2000, and 2010 by race/ethnicity. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation section of the main assessment tool for additional information related to the maps and tables.

For question (2)(b), local data and local knowledge, including information obtained through the community participation process will be particularly useful in answering this question.

### R/ECAPs

For question (3), refer to Maps 1, 2, 3, and 4, and Table 4. These maps are dot density maps by race/ethnicity, national origin, and limited English proficiency (LEP). Map 2 contains data from 1990, 2000, and 2010 by race/ethnicity. Table 4 contains the demographics of those living in and R/ECAPs. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the R/ECAPs section of the main assessment tool for additional information related to the maps and tables.

### Disparities in Access to Opportunity

For question (4), refer to Table 12 and Maps 7-13. Table 12 provides the opportunity indices by race/ethnic and Maps 7-13 map the indices and are overlaid with dot density by race/ethnicity, national origin, and families with children. Darker shading on the maps indicates a higher value on the opportunity index. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disparities in Access to Opportunity section of the main assessment tool for additional information related to the maps and tables.

### Disproportionate Housing Needs

For question (5), refer to Tables 9 and 10. Table 9 provides the demographics of households with disproportionate housing needs in the service area and Table 10 provides the demographics of households with severe housing cost burden. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disproportionate Housing Needs section of the main assessment tool for additional information related to the maps and tables.

## Contributing Factors

The potential contributing factors listed in this section have been divided into factors that are likely to be crosscutting across all fair housing issues, and other that are more likely to relate to a particular fair housing issue. The lists are non-exhaustive and program participants may identify any factor on any list or other factors not listed for a particular fair housing issue. To answer question (6), consider the listed factors and identify any factors that significantly create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. Once identified, program participants must specify which fair housing issue(s) the factor has been identified for.

## Publicly Supported Housing

For question (7)(a), refer to Table 6. Table 6 provides the demographics of residents of publicly supported housing program category by race/ethnicity, as well as the demographics of the overall population and income-eligible population of the jurisdiction. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Demographics subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question (7)(b)(i), refer to Map 5. Map 5 includes the locations of publicly supported housing properties in the service area, as well as a thematic layer showing the location of Housing Choice Vouchers by census tract, where darker shading indicates a higher concentration of vouchers, overlaid by race/ethnicity dot density. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation and R/ECAPs subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables. Describe any disparities in access to opportunity by type of publicly supported housing (housing primarily serving families with children, elderly, and persons with disabilities).

For question (7)(b)(ii), refer to Table 7. Table 7 provides the demographics of publicly supported housing, by program category, of developments located in R/ECAPs and developments located outside of R/ECAPs. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation and R/ECAPs subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question (7)(b)(iii), refer to Table 8 and the Map 5 Query Tool. The Map 5 Query Tool allows sorting and exporting of census tract and occupancy demographic data from Map 5 to generate a table for the categories of publicly supported housing for the jurisdiction. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation and R/ECAPs subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question (7)(c)(i), refer to Maps 7-13 and Table 12. Table 12 provides the opportunity indices by race/ethnic and Maps 7-13 map the opportunity indices overlaid with dot density showing residential living patterns by race/ethnicity, national origin, and families with children. Darker shading on the maps indicates a higher value on the opportunity index representing greater access to that opportunity indicator. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disparities in Access to Opportunity

subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question (7)(d)(i) and (7)(d)(ii), refer to the analysis conducted under “Disproportionate Housing Needs” above (based on Tables 9, 10 and 11). For reference, Table 9 provides the demographics of households with disproportionate housing needs in the service area, Table 10 provides the demographics of households with severe housing cost burden, and Table 11 provides information on publicly supported housing by program category and the units by number of bedrooms, as well as families with children. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disproportionate Housing Needs subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

Identify all significant contributing factors in (7)(e). Consider the non-exhaustive list of factors provided, which are those most commonly associated with publicly supported housing, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to publicly supported housing. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

#### Disability and Access

For questions (8)(a)-(c), local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering these questions, as there is limited nationally-uniform data relating to persons with disabilities. Program participants may refer to the instructions for the Disability and Access section of the main Assessment Tool for additional information related to the maps and tables, as well as the instructions below.

For questions (8)(a), refer to Maps 14 and 15. Map 14 provides a dot density map of the residential living patterns of persons with certain types of disabilities in the jurisdiction. Map 15 provides a dot density map of the residential living patterns of persons with disabilities by age group in the jurisdiction.

For question (8)(b), Local data and local knowledge, including information obtained through the community participation process will also be particularly useful in answering this question.

For question (8)(c), program participants may refer to Maps 14 and 15, which depict where in the jurisdiction persons with disabilities reside. However, this question also refers to institutional, and other segregated settings. Local data and local knowledge, including information obtained through the community participation process will also be particularly useful in answering this question.

Identify all significant contributing factors (8)(e). Consider the non-exhaustive list of factors provided, which are those most commonly associated with disability and access, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to disability and access. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

#### Fair Housing Enforcement

For question (9)(a), local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program

participants may refer to the instructions for the Fair Housing Enforcement section of the main assessment tool for additional information.

Identify all significant contributing factors (9)(b). Consider the non-exhaustive list of factors provided, which are those most commonly associated with fair housing enforcement, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to fair housing enforcement. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

### Additional Information

For question (10), local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question.

## **Part VI: Fair Housing Goals and Priorities**

Note that all program participants in a collaboration are responsible for the Fair Housing Goals and Priorities questions in this section, including those eligible program participants that choose to use the inserts provided for the Fair Housing Analysis section.

To answer question (1), use the contributing factors selected in prior sections and prioritize them, as they apply to each program participant, including as identified in any inserts for smaller program participants.<sup>17</sup> In prioritizing contributing factors, program participants shall give the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance. Provide a justification for the prioritization of the factors. Also describe the prioritization method used. For example, if using a 1 through 5 ranking system, identify whether 1 or 5 reflects the highest priority.

Note that contributing factors may be outside the ability of program participants to directly control or influence. In such cases, those factors must be included in the prioritization. There still may be policy options or goals that program participants should identify, while recognizing the limitations involved. For additional information on contributing factors, please refer to the general instructions to this Assessment Tool.

For question (2), set one or more goals to address each fair housing issue with significant contributing factors. For each goal, program participants must identify one or more contributing factors that the goal is designed to address, describe how the goal relates to overcoming the identified contributing factor(s) and related fair housing issue, and identify metrics and milestones for determining what fair housing results will be achieved. For instance, where segregation in a development or geographic area is determined to be a fair housing issue, with at least one significant contributing factor, HUD would expect the AFH to include one or more goals to reduce the segregation. Additionally, in the case of a joint or regional AFH, the goals established can be individual goals relating to a single program participant in the collaboration or joint goals among some or all of the program participants in the collaboration. Whether goals are individual or joint, each program participant in the collaboration must establish goals in accordance with the requirements described above.

In answering question (2), use the table provided. Provide at least one goal addressing each fair housing issue. In the “Goals” column, state the goal that is being set. In the “Contributing Factors” column, identify the contributing factors the goal is designed to overcome. In the “Fair Housing Issues” column, identify the related fair housing issues the goal is designed to address. In

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<sup>17</sup> Please note that these inserts may only be used by eligible program participants, as described in the general instructions to this Assessment Tool.



the “Metrics and Milestones” column, identify the metrics and milestones program participants will use for determining what fair housing results will be achieved and a timeframe for achievement.

In terms of metrics and milestones, HUD acknowledges that establishing firm, definitive timelines for concrete output or outcome accomplishments may not be feasible for every type of goal or potential action. Some goals may be of an ongoing nature, but program participants must set metrics, milestones, and timelines for achievement. Metrics and milestones in goals established in the AFH should be as specific as possible, recognizing that decisions on funding allocations, as well as strategies and actions, will be made in later planning documents including the Consolidated Plan and 5-Year PHA Plan. Program participants are encouraged to set targets that are ambitious, though HUD also recognizes that resource limitations need to be considered.

Finally, in the “Discussion” row, provide an explanation of how the goal being set is going to address the contributing factors and related fair housing issues. For program participants submitting jointly, denote which program participant is responsible for each particular goal. If program participants are setting joint goals, explain the responsibilities of each program participant with respect to the joint goal. Please note that the number of goals is not limited by the table provided. Program participants are encouraged to set more goals than the table allows for currently.<sup>18</sup>

While the statutory duty to affirmatively further fair housing requires program participants to affirmatively further fair housing, the final rule does not mandate specific outcomes for the planning process. Instead, recognizing the importance of local decision-making, the analysis conducted in the AFH is meant to help guide public sector housing and community development planning and investment decisions in being better informed about fair housing concerns and consequently help program participants to be better positioned to fulfill their obligation to affirmatively further fair housing.

Program participants should note that the strategies and actions, and the specifics of funding decisions, subject to the consolidated plan, PHA plan, or other applicable planning process are not required to be in the AFH. However, the goals set by program participants will factor into these planning processes. These goals will form the basis for strategies and actions in the subsequent planning documents. As stated in the regulatory text at 24 C.F.R. § 5.150, “a program participant’s strategies and actions must affirmatively further fair housing and may include various activities, such as developing affordable housing, and removing barriers to the development of such housing, in areas of high opportunity; strategically enhancing access to opportunity, including through targeted investment in neighborhood revitalization or stabilization; through preservation or rehabilitation of existing affordable housing; promoting greater housing choice within or outside areas of concentrated poverty and access to areas of high opportunity; and improving community assets such as quality schools, employment, and transportation.” Goals addressing fair housing choice may include, for example, enhanced geographic mobility options that afford access to areas of high opportunity.

### **Certification and Submission**

Please note, for a joint or regional AFH, each collaborating program participant must authorize a representative to sign the certification on the program participant's behalf. In a joint or regional AFH, when responding to each question, collaborating program participants may provide joint analyses and individual analyses. The authorized representative of each program participant certifies only to information the program participant provides individually or jointly in response to

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<sup>18</sup> HUD anticipates that the online user interface that is currently under development will allow for program participants to set as many goals as a program participant wishes. The paper form of this Assessment Tool is only meant to illustrate the table.

each question in the assessment. The authorized representative does not certify for information applicable only to other collaborating program participants' analyses, if any.

## **APPENDIX A – HUD-Provided Maps**

**Map 1 Race/Ethnicity** – Current (2010) race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

**Map 2 Race/Ethnicity Trends** – Current and past race/ethnicity dot density maps for Jurisdiction and Region with R/ECAPs with time slider from 1990 to 2010

**Map 3 National Origin** – Current (2010) 5 most populous national origin groups dot density map for Jurisdiction and Region with R/ECAPs

**Map 4 LEP** – Current (2010) LEP persons by 5 most populous languages dot density map for Jurisdiction and Region with R/ECAPs

**Map 5 Publicly Supported Housing and Race/Ethnicity** – Housing Choice Voucher thematic map overlaid with Public Housing, Project-Based Section 8, Other Multifamily, and LIHTC locations with race/ethnicity dot density and R/ECAPs, distinguishing categories of publicly supported housing by color, for the Jurisdiction and Region

**Map 6 Housing Burden**– Households experiencing one or more housing burdens in Jurisdiction and Region with race/ethnicity, national origin, and families with children dot density maps and R/ECAPs

**Map 7 Demographics and School Proficiency**<sup>19</sup> – School proficiency thematic map for Jurisdiction and Region with race/ethnicity, national origin, and familial status maps and R/ECAPs

**Map 8 Demographics and Job Proximity** – Job proximity thematic map for Jurisdiction and Region with race/ethnicity, national origin, and familial status maps and R/ECAPs

**Map 9 Demographics and Labor Market** – Labor engagement thematic map for Jurisdiction and Region with race/ethnicity, national origin, and familial status maps and R/ECAPs

**Map 10 Demographics and Transit Trips** – Transit proximity thematic map for Jurisdiction and Region with race/ethnicity, national origin, and familial status maps and R/ECAPs

**Map 11 Demographics and Low Transportation Costs** – Low transportation cost thematic map for Jurisdiction and Region with race/ethnicity, national origin, and familial status maps and R/ECAPs

**Map 12 Demographics and Poverty** – Low poverty thematic map for Jurisdiction and Region with race/ethnicity, national origin, and familial status maps and R/ECAPs

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<sup>19</sup> Please note that HUD anticipates adding a layer to Maps 7-13 to display the location of publicly supported housing; however, this layer may not be available at the time this Assessment Tool is finalized.

**Map 13 Demographics and Environmental Health** – Environmental health thematic map for Jurisdiction and Region with race/ethnicity, national origin, and familial status maps with R/ECAPs

**Map 14 Disability by Type** – Population of persons with disabilities dot density map by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

**Map 15 Disability by Age Group** – All persons with disabilities by age range (5-17; 18-64; and 65+) dot density map with R/ECAPs for Jurisdiction and Region

**Map 16 – Housing Tenure** – Thematic map of percent of units occupied by homeowners and thematic map of percent of units occupied by renters and R/ECAPs

**Maps Specifically for Use by PHAs**

**Map 17 – Location of Affordable Rental Housing (Percent of Rental Units Affordable to 50% AMI)<sup>20</sup>** – Thematic map of affordable rental units (defined as units renting at or less than 30% of household income for a household at 50% AMI) with Housing Choice Vouchers as dot density or symbol by census tract

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<sup>20</sup> Please note this map is provided, but is not required for use in the analysis by Local Governments.

## **APPENDIX B – HUD-Provided Tables**

**Table 1 Demographics** – Demographic data for Jurisdiction and Region (including total population, the number and percentage of persons by race/ethnicity, national origin (10 most populous), LEP (10 most populous), disability (by disability type), sex, age range (under 18, 18-64, 65+), and households with children)

**Table 2 Demographic Trends** –Demographic trend data for Jurisdiction and Region (including the number and percentage of persons by race/ethnicity, total national origin (foreign born), total LEP, sex, age range (under 18, 18-64, 65+), and households with children)

**Table 3 Racial/Ethnic Dissimilarity** –Race/ethnicity dissimilarity index for Jurisdiction and Region

**Table 4 R/ECAP Demographics** –Data for the percentage of racial/ethnic groups, families with children, and national origin groups (10 most populous) for the Jurisdiction and Region who reside in R/ECAPs

**Table 5 Publicly Supported Housing Units by Program Category** – Data for total units by 4 categories of publicly supported housing in the Jurisdiction (Public Housing, Project-Based Section 8, Other Multifamily, Housing Choice Voucher (HCV) Program) for the Jurisdiction

**Table 6 Publicly Supported Households by Race/Ethnicity** – Race/ethnicity data for 4 categories of publicly supported housing (Public Housing, Project-Based Section 8, Other Multifamily, HCV) in the Jurisdiction compared to the population as a whole, and to persons earning 30% AMI, in the Jurisdiction

**Table 7 R/ECAP and Non-R/ECAP Demographics by Publicly Supported Housing Program Category** – Data on publicly supported housing units and R/ECAPs for the Jurisdiction

**Table 8 Demographics of Publicly Supported Housing Developments by Program Category** – Development level demographics by Public Housing, Project-Based Section 8, and Other Multifamily<sup>21</sup> for the Jurisdiction

**Table 9 Demographics of Households with Disproportionate Housing Needs** – Tabular data of total households in the Jurisdiction and Region and the total number and percentage of households experiencing one or more housing burdens by race/ethnicity and family size in the Jurisdiction and Region

**Table 10 Demographics of Households with Severe Housing Cost Burden** – Data of the total number of households in the Jurisdiction and Region and the number and percentage

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<sup>21</sup> Please note that, for the first year, census tract level demographic data in which publicly supported housing developments are located, also including LIHTC developments, are available through the AFFH Data and Mapping Tool which includes a data query function and ability to export tables.

of households experiencing severe housing burdens by race/ethnicity for the Jurisdiction and Region

**Table 11 Publicly Supported Housing by Program Category: Units by Number of Bedrooms and Number of Children** – Data on the number of bedrooms for units of 4 categories of publicly supported housing (Public Housing, Project-Based Section 8, Other Multifamily, HCV) for the Jurisdiction

**Table 12 Opportunity Indicators by Race/Ethnicity** – Data of opportunity indices for school proficiency, jobs proximity, labor-market engagement, transit trips, low transportation costs, low poverty, and environmental health for the Jurisdiction and Region by race/ethnicity and among households below the Federal poverty line.

**Table 13 Disability by Type** – Data of persons with vision, hearing, cognitive, ambulatory, self-care, and independent living disabilities for the Jurisdiction and Region

**Table 14 Disability by Age Group** – Data of persons with disabilities by age range (5-17, 18-64, and 65+) for the Jurisdiction and Region

**Table 15 Disability by Publicly Supported Housing Program Category** – Data on disability and publicly supported housing for the Jurisdiction and Region

**Table 16 – Homeownership and Rental Rates by Race/Ethnicity** – Data of homeownership and rental rates by race/ethnicity for the Jurisdiction and Region

**Tables Specifically for Use by PHAs**

**Table 17 – Demographics of PHA Assisted Households<sup>22</sup>** – Data of the demographics by race/ethnicity, families with children, and disability for a PHA’s assisted households for the Service Area

**Table 18 – PHA Assisted Residents by Race/Ethnicity<sup>23</sup>** – Data of the PHA’s assisted residents by race/ethnicity with total population for the Service Area

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<sup>22</sup> Please note this table is provided, but is not required for use in the analysis by Local Governments.

<sup>23</sup> Please note this table is provided, but is not required for use in the analysis by Local Governments.

## **APPENDIX C – Contributing Factors Descriptions**

### **Access to financial services**

#### *(Disparities in Access to Opportunity)*

The term “financial services” refers here to economic services provided by a range of quality organizations that manage money, including credit unions, banks, credit card companies, and insurance companies. These services would also include access to credit financing for mortgages, home equity, and home repair loans. Access to these services includes physical access - often dictated by the location of banks or other physical infrastructure - as well as the ability to obtain credit, insurance or other key financial services. Access may also include equitable treatment in receiving financial services, including equal provision of information and equal access to mortgage modifications. For purposes of this contributing factor, financial services do not include predatory lending including predatory foreclosure practices, storefront check cashing, payday loan services, and similar services. Gaps in banking services can make residents vulnerable to these types of predatory lending practices, and lack of access to quality banking and financial services may jeopardize an individual’s credit and the overall sustainability of homeownership and wealth accumulation.

### **Access for persons with disabilities to proficient schools**

#### *(Disability and Access)*

Individuals with disabilities may face unique barriers to accessing proficient schools. In some jurisdictions, some school facilities may not be accessible or may only be partially accessible to individuals with different types of disabilities (often these are schools built before the enactment of the ADA or the Rehabilitation Act of 1973). In general, a fully accessible building is a building that complies with all of the ADA's requirements and has no barriers to entry for persons with physical mobility impairments. It enables students and parents with physical or sensory disabilities to access and use all areas of the building and facilities to the same extent as students and parents without disabilities, enabling students with disabilities to attend classes and interact with students without disabilities to the fullest extent. In contrast, a partially accessible building allows for persons with physical mobility impairments to enter and exit the building, access all relevant programs, and have use of at least one restroom, but the entire building is not accessible and students or parents with disabilities may not access areas of the facility to the same extent as students and parents without disabilities. In addition, in some instances school policies steer individuals with certain types of disabilities to certain facilities or certain programs or certain programs do not accommodate the disability-related needs of certain students.

### **Access to publicly supported housing for persons with disabilities**

#### *(Disability and Access)*

The lack of a sufficient number of accessible units or lack of access to key programs and services poses barriers to individuals with disabilities seeking to live in publicly supported housing. For purposes of this assessment, publicly supported housing refers to housing units that are subsidized by federal, state, or local entities. “Accessible housing” refers to housing that accords individuals with disabilities equal opportunity to use and enjoy a dwelling. The concept of “access” here includes physical access for individuals with different types of disabilities (for example, ramps and other accessibility features for individuals with physical mobility impairments, visual alarms and signals for individuals who are deaf or hard of hearing, and audio signals, accessible signage, and other accessibility features for individuals who are blind or have low vision), as well as the provision of auxiliary aids and services to provide effective communication for individuals who are

deaf or hard of hearing, are blind or have low vision, or individuals who have speech impairments. The concept of “access” here also includes programmatic access, which implicates such policies as application procedures, waitlist procedures, transfer procedures and reasonable accommodation procedures.

### **Access to transportation for persons with disabilities**

#### *(Disability and Access)*

Individuals with disabilities may face unique barriers to accessing transportation, including both public and private transportation, such as buses, rail services, taxis, and para-transit. The term “access” in this context includes physical accessibility, policies, physical proximity, cost, safety, reliability, etc. It includes the lack of accessible bus stops, the failure to make audio announcements for persons who are blind or have low vision, and the denial of access to persons with service animals. The absence of or clustering of accessible transportation and other transportation barriers may limit the housing choice of individuals with disabilities.

### **Admissions and occupancy policies and procedures, including preferences in publicly supported housing**

#### *(Publicly Supported Housing)*

The term “admissions and occupancy policies and procedures” refers here to the policies and procedures used by publicly supported housing providers that affect who lives in the housing, including policies and procedures related to marketing, advertising vacancies, applications, tenant selection, assignment, and maintained or terminated occupancy. Procedures that may relate to fair housing include, but are not limited to:

- Admissions preferences (e.g. residency preference, preferences for local workforce, etc.)
- Application, admissions, and waitlist policies (e.g. in-person application requirements, rules regarding applicant acceptance or rejection of units, waitlist time limitations, first come first serve, waitlist maintenance, etc.).
- Income thresholds for new admissions or for continued eligibility.
- Designations of housing developments (or portions of developments) for the elderly and/or persons with disabilities.
- Occupancy limits.
- Housing providers’ policies for processing reasonable accommodations and modifications requests.
- Credit policies.
- Policies related to criminal records including arrests and convictions
- Eviction policies and procedures.

### **Availability of affordable units in a range of sizes**

#### *(Disproportionate Housing Needs)*

The provision of affordable housing is often important to individuals with certain protected characteristics because groups are disproportionately represented among those who would benefit from low-cost housing. What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. This contributing factor refers to the availability of units that a low- or moderate-income family could rent or buy, including one-bedroom units and multi-bedroom units for larger families. When considering availability, consider transportation costs, school quality, and other important factors in housing choice. Whether affordable units are available with a greater number of bedrooms and in a range of different geographic locations may be a particular barrier facing families with children.

### **Availability, type, frequency, and reliability of public transportation**



*(Disparities in Access to Opportunity)*

Public transportation is shared passenger transport service available for use by the general public, including buses, light rail, and rapid transit. Public transportation includes paratransit services for persons with disabilities. The availability, type, frequency, and reliability of public transportation affect which households are connected to community assets and economic opportunities. Transportation policies that are premised upon the use of a personal vehicle may impact public transportation. “Availability” as used here includes geographic proximity, cost, safety and accessibility, as well as whether the transportation connects individuals to places they need to go such as jobs, schools, retail establishments, and healthcare. “Type” refers to method of transportation such as bus or rail. “Frequency” refers to the interval at which the transportation runs. “Reliability” includes such factors as an assessment of how often trips are late or delayed, the frequency of outages, and whether the transportation functions in inclement weather.

**Community opposition**

*(Segregation/Integration, R/ECAPs, Publicly Supported Housing)*

The opposition of community members to proposed or existing developments—including housing developments, affordable housing, publicly supported housing (including use of housing choice vouchers), multifamily housing, or housing for persons with disabilities—is often referred to as “Not in my Backyard,” or NIMBY-ism. This opposition is often expressed in protests, challenges to land-use requests or zoning waivers or variances, lobbying of decision-making bodies, or even harassment and intimidation. Community opposition can be based on factual concerns (concerns are concrete and not speculative, based on rational, demonstrable evidence, focused on measurable impact on a neighborhood) or can be based on biases (concerns are focused on stereotypes, prejudice, and anxiety about the new residents or the units in which they will live). Community opposition, when successful at blocking housing options, may limit or deny housing choice for individuals with certain protected characteristics.

**Deteriorated and abandoned properties**

*(R/ECAPS)*

The term “deteriorated and abandoned properties” refers here to residential and commercial properties unoccupied by an owner or a tenant, which are in disrepair, unsafe, or in arrears on real property taxes. Deteriorated and abandoned properties may be signs of a community’s distress and disinvestment and are often associated with crime, increased risk to health and welfare, plunging decreasing property values, and municipal costs. The presence of multiple unused or abandoned properties in a particular neighborhood may have resulted from mortgage or property tax foreclosures. The presence of such properties can raise serious health and safety concerns and may also affect the ability of homeowners with protected characteristics to access opportunity through the accumulation of home equity. Demolition without strategic revitalization and investment can result in further deterioration of already damaged neighborhoods.

**Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking**

*(Disproportionate Housing Needs, Publicly Supported Housing)*

Federal laws, such as the Violence Against Women Act (VAWA) and the Fair Housing Act (FHA), offer protections from housing discrimination to survivors of domestic violence, dating violence, sexual assault, and stalking because of the abuse committed against them. Despite these safeguards, many victims continue to experience adverse housing decisions made by housing providers due to their status as victims. Though some states and local jurisdictions may have housing laws that are designed to protect victims, many do not, which impedes victims’ ability to access and maintain their current housing as well as quickly find safe alternative housing. Local nuisance and crime-free ordinances that punish victims of crime or who otherwise need emergency assistance can violate federal and state civil rights laws.

### **Displacement of residents due to economic pressures**

*(Segregation/Integration, R/ECAPs, Disproportionate Housing Needs, Publicly Supported Housing)*

The term “displacement” refers here to a resident’s undesired departure from a place where an individual has been living. “Economic pressures” may include, but are not limited to, rising rents, rising property taxes related to home prices, rehabilitation of existing structures, demolition of subsidized housing, loss of affordability restrictions, and public and private investments in neighborhoods. Such pressures can lead to loss of existing affordable housing in areas experiencing rapid economic growth and a resulting loss of access to opportunity assets for lower income families that previously lived there. Where displacement disproportionately affects persons with certain protected characteristic, the displacement of residents due to economic pressures may exacerbate patterns of residential segregation.

### **Impediments to mobility**

*(Disparities in Access to Opportunity, Publicly Supported Housing)*

The term “impediments to mobility” refers here to barriers faced by individuals and families when attempting to move to a neighborhood or area of their choice, especially integrated areas and areas of opportunity. This refers to both Housing Choice Vouchers and other public and private housing options. Many factors may impede mobility, including, but not limited to:

- Lack of quality mobility counseling. Mobility counseling is designed to assist families in moving from high-poverty to low-poverty neighborhoods that have greater access to opportunity assets appropriate for each family (e.g. proficient schools for families with children or effective public transportation.). Mobility counseling can include a range of options including, assistance for families for “second moves” after they have accessed stable housing, and ongoing post-move support for families.
- Lack of appropriate payment standards, including exception payment standards to the standard fair market rent (FMR). Because FMRs are generally set at the 40th percentile of the metropolitan-wide rent distribution, some of the most desirable neighborhoods do not have a significant number of units available in the FMR range. Exception payment standards are separate payment standard amounts within the basic range for a designated part of an FMR area. Small areas FMRs, which vary by zip code, may be used in the determination of potential exception payment standard levels to support a greater range of payment standards.
- Jurisdictional fragmentation among multiple providers of publicly supported housing that serve single metropolitan areas and lack of regional cooperation mechanisms, including PHA jurisdictional limitations.
- HCV portability issues that prevent a household from using a housing assistance voucher issued in one jurisdiction when moving to another jurisdiction where the program is administered by a different local PHA.
- Lack of a consolidated waitlist for all assisted housing available in the metropolitan area.
- Discrimination based on source of income, including SSDI, Housing Choice Vouchers, or other tenant-based rental assistance.
- Lack of source of income protection or discrimination based on source of income, including SSDI, Housing Choice Vouchers, or other tenant-based rental assistance.

### **Inaccessible public or private infrastructure**

*(Disability and Access)*

Many public buildings, sidewalks, pedestrian crossings, or other infrastructure components are inaccessible to individuals with disabilities including persons with physical mobility impairments, individuals who are deaf or hard of hearing, and persons who are blind or have low vision. These accessibility issues can limit realistic housing choice for individuals with disabilities. Inaccessibility is often manifest by the lack of curb cuts, lack of ramps, and the lack of audible

pedestrian signals. While the Americans with Disabilities Act and related civil rights laws establish accessibility requirements for infrastructure, these laws do not apply everywhere and/or may be inadequately enforced.

### **Inaccessible government facilities or services**

*(Disability and Access)*

Inaccessible government facilities and services may pose a barrier to fair housing choice for individuals with disabilities by limiting access to important community assets such as public meetings, social services, libraries, and recreational facilities. Note that the concept of accessibility includes both physical access (including to websites and other forms of communication) as well as policies and procedures. While the Americans with Disabilities Act and related civil rights laws require that newly constructed and altered government facilities, as well as programs and services, be accessible to individuals with disabilities, these laws may not apply in all circumstances and/or may be inadequately enforced.

### **Lack of access to opportunity due to high housing costs**

*(Disparities in Access to Opportunity, Disproportionate Housing Needs, Publicly Supported Housing, Disability and Access)*

Housing that affords access to opportunities, such as proficient schools, public transportation, employment centers, low poverty, and environmentally healthy neighborhoods may be cost prohibitive for low income persons, including those receiving assistance through the Housing Choice Voucher program. High costs can have a greater effect on families with children who need multiple bedrooms and individuals with disabilities who need accessible housing or housing located close to accessible transportation. Lack of strategies to overcome barriers imposed by housing costs can deny access to opportunity. Such strategies may include Small Area fair market rents (FMRs), exception payment standards, siting of Project-Based Vouchers, buying down affordability of existing rental housing using HOME or LIHTC, inclusionary zoning (including when combined with ongoing affordability at voucher payment standards or acceptance of vouchers), and use of LIHTC for new construction of affordable housing opportunities.

### **Lack of affordable, accessible housing in a range of unit sizes**

*(Disability and Access)*

What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. For purposes of this assessment, “accessible housing” refers to housing that accords individuals with disabilities equal opportunity to use and enjoy a dwelling. Characteristics that affect accessibility may include physical accessibility of units and public and common use areas of housing, as well as application procedures, such as first come first serve waitlists, inaccessible websites or other technology, denial of access to individuals with assistance animals, or lack of information about affordable accessible housing. The clustering of affordable, accessible housing with a range of unit sizes may also limit fair housing choice for individuals with disabilities.

### **Lack of affordable in-home or community-based supportive services**

*(Disability and Access)*

The term “in-home or community-based supportive services” refers here to medical and other supportive services available for targeted populations, such as individuals with mental illnesses, cognitive or developmental disabilities, and/or physical disabilities in their own home or community (as opposed to in institutional settings). Such services include personal care, assistance with housekeeping, transportation, in-home meal service, integrated adult day services and other services (including, but not limited to, medical, social, education, transportation, housing, nutritional, therapeutic, behavioral, psychiatric, nursing, personal care, and respite). They also include assistance with activities of daily living such as bathing, dressing, eating, and using the

toilet, shopping, managing money or medications, and various household management activities, such as doing laundry. Public entities must provide services to individuals with disabilities in community settings rather than institutions when: 1) such services are appropriate to the needs of the individual; 2) the affected persons do not oppose community-based treatment; and 3) community-based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability-related services from the entity. Assessing the cost and availability of these services is also an important consideration, including the role of state Medicaid agencies. The outreach of government entities around the availability of community supports to persons with disabilities in institutions may impact these individuals' knowledge of such supports and their ability to transition to community-based settings.

### **Lack of affordable, integrated housing for individuals who need supportive services**

#### *(Disability and Access)*

What is "affordable" varies by the circumstances affecting the individual, and includes the cost of housing and services taken together. Integrated housing is housing where individuals with disabilities can live and interact with persons without disabilities to the fullest extent possible. In its 1991 rulemaking implementing Title II of the ADA, the U.S. Department of Justice defined "the most integrated setting appropriate to the needs of qualified individuals with disabilities" as "a setting that enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible." By contrast, segregated settings are occupied exclusively or primarily by individuals with disabilities. Segregated settings sometimes have qualities of an institutional nature, including, but not limited to, regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, limits on individuals' ability to engage freely in community activities and manage their own activities of daily living, or daytime activities primarily with other individuals with disabilities. For purposes of this tool "supportive services" means medical and other voluntary supportive services available for targeted populations groups, such as individuals with mental illnesses, intellectual or developmental disabilities, and/or physical disabilities, in their own home or community (as opposed to institutional settings). Such services may include personal care, assistance with housekeeping, transportation, in-home meal service, integrated adult day services and other services. They also include assistance with activities of daily living such as bathing, dressing, and using the toilet, shopping, managing money or medications, and various household management activities, such as doing laundry.

### **Lack of assistance for housing accessibility modifications**

#### *(Disability and Access)*

The term "housing accessibility modification" refers here to structural changes made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment and use of the premises. Housing accessibility modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Under the Fair Housing Act, landlords are required by fair housing laws to permit certain reasonable modifications to a housing unit, but are not required to pay for the modification unless the housing provider is a recipient of Federal financial assistance and therefore subject to Section 504 of the Rehabilitation Act or is covered by the Americans with Disabilities Act (in such cases the recipient must pay for the structural modification as a reasonable accommodation for an individual with disabilities). However, the cost of these modifications can be prohibitively expensive. Jurisdictions may consider establishing a modification fund to assist individuals with disabilities in paying for modifications or providing assistance to individuals applying for grants to pay for modifications.

### **Lack of assistance for transitioning from institutional settings to integrated housing**

#### *(Disability and Access)*

The integration mandate of the ADA and *Olmstead v. L.C.*, 527 U.S. 581 (1999) (*Olmstead*) compels states to offer community-based health care services and long-term services and supports for individuals with disabilities who can live successfully in housing with access to those services

and supports. In practical terms, this means that states must find housing that enables them to assist individuals with disabilities to transition out of institutions and other segregated settings and into the most integrated setting appropriate to the needs of each individual with a disability. A critical consideration in each state is the range of housing options available in the community for individuals with disabilities and whether those options are largely limited to living with other individuals with disabilities, or whether those options include substantial opportunities for individuals with disabilities to live and interact with individuals without disabilities. For further information on the obligation to provide integrated housing opportunities, please refer to HUD's Statement on the Role of Housing in Accomplishing the Goals of *Olmstead*, the U.S. Department of Justice's Statement on *Olmstead* Enforcement, as well as the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services final rule and regulations regarding Home and Community-Based Setting requirements. Policies that perpetuate segregation may include: inadequate community-based services; reimbursement and other policies that make needed services unavailable to support individuals with disabilities in mainstream housing; conditioning access to housing on willingness to receive supportive services; incentivizing the development or rehabilitation of segregated settings. Policies or practices that promote community integration may include: the administration of long-term State or locally-funded tenant-based rental assistance programs; applying for funds under the Section 811 Project Rental Assistance Demonstration; implementing special population preferences in the HCV and other programs; incentivizing the development of integrated supportive housing through the LIHTC program; ordinances banning housing discrimination on the basis of source of income; coordination between housing and disability services agencies; increasing the availability of accessible public transportation.

#### **Lack of community revitalization strategies**

*(Segregation/Integration, R/ECAPs)*

The term "community revitalization strategies" refers here to realistic planned activities to improve the quality of life in areas that lack public and private investment, services and amenities, have significant deteriorated and abandoned properties, or other indicators of community distress. Revitalization can include a range of activities such as improving housing, attracting private investment, creating jobs, and expanding educational opportunities or providing links to other community assets. Strategies may include such actions as rehabilitating housing; offering economic incentives for housing developers/sponsors, businesses (for commercial and employment opportunities), bankers, and other interested entities that assist in the revitalization effort; and securing financial resources (public, for-profit, and nonprofit) from sources inside and outside the jurisdiction to fund housing improvements, community facilities and services, and business opportunities in neighborhoods in need of revitalization. When a community is being revitalized, the preservation of affordable housing units can be a strategy to promote integration.

#### **Lack of local private fair housing outreach and enforcement**

*(Fair Housing Enforcement, Outreach Capacity, and Resources Analysis)*

The term "local private fair housing outreach and enforcement" refers to outreach and enforcement actions by private individuals and organizations, including such actions as fair housing education, conducting testing, bring lawsuits, arranging and implementing settlement agreements. A lack of private enforcement is often the result of a lack of resources or a lack of awareness about rights under fair housing and civil rights laws, which can lead to under-reporting of discrimination, failure to take advantage of remedies under the law, and the continuation of discriminatory practices. Activities to raise awareness may include technical training for housing industry representatives and organizations, education and outreach activities geared to the general public, advocacy campaigns, fair housing testing and enforcement. Examples of activities, among others, these civil rights organizations undertake may include: outreach, education, and training on fair housing issues such as the appropriate application of arrest and criminal conviction records, credit policies, and prior evictions in leasing and lease termination decision making; and fair housing issues affecting LGBT individuals, the application of any state or local law providing specific

protection for such individuals, as well as compliance with HUD regulations and guidance relating to such individuals.

**Lack of local public fair housing enforcement**

*(Fair Housing Enforcement, Outreach Capacity, and Resources Analysis)*

The term “local public fair housing enforcement” refers here to enforcement actions by State and local agencies or non-profits charged with enforcing fair housing laws, including testing, lawsuits, settlements, and fair housing audits. A lack of enforcement is a failure to enforce existing requirements under state or local fair housing laws. This may be assessed by reference to the nature, extent, and disposition of housing discrimination complaints filed in the jurisdiction.

**Lack of local or regional cooperation**

*(Segregation, R/ECAPs, Disparities in Opportunity, Publicly Supported Housing, Disability and Access)*

The term “local or regional cooperation” refers here to formal networks or coalitions of organizations, people, and entities working together to plan for local or regional development. Cooperation in local or regional planning can be a useful approach to coordinate responses to identified fair housing issues and contributing factors because fair housing issues and contributing factors not only cross multiple sectors—including housing, education, transportation, and commercial and economic development—but these issues are often not constrained by political-geographic boundaries. When there are local or regional patterns in segregation or R/ECAP, access to opportunity, disproportionate housing needs, or the concentration of affordable housing there may be a lack of local or regional cooperation and fair housing choice may be restricted.

**Lack of meaningful language access for individuals with limited English proficiency**

*(Publicly Supported Housing)*

A limited English proficient (LEP) person is anyone, who due to national origin, does not speak English as his/her primary language and who has a limited ability to read, write, speak, or understand English, or who speaks English “less than very well.” Public housing agencies (PHAs) and other federally-assisted housing providers have obligations under Title VI of the Civil Rights Act of 1964 as well as other federal and related state legal authorities not to discriminate against housing applicants and tenants who are LEP. Both HUD and USDA Rural Development have issued LEP guidance outlining a series of steps that certain recipients of HUD and RD funding should take to further Title VI compliance. These steps include conducting a four-factor analysis to assess the need for language assistance; creating a language assistance plan based on the findings of the four-factor analysis; translating documents (i.e., those documents necessary to ensure meaningful access); and offering oral interpretation, if needed. HUD has further recognized the relationship between national origin discrimination and limited English proficiency under the Fair Housing Act through administrative enforcement. Therefore, private housing providers who discriminate against prospective or existing tenants who are LEP on the basis of national origin may violate the Fair Housing Act.

**Lack of private investment in specific neighborhoods**

*(Segregation, R/ECAPs, Disparities in Opportunity, Disproportionate Housing Needs, Publicly Supported Housing)*

The term “private investment” refers here to investment by non-governmental entities, such as corporations, financial institutions, individuals, philanthropies, and non-profits, in housing and community development infrastructure. Private investment can be used as a tool to advance fair housing, through innovative strategies such as mixed-use developments, targeted investment, and public-private partnerships. Private investments may include, but are not limited to: housing construction or rehabilitation; investment in businesses; the creation of community amenities, such

as recreational facilities and providing social services; and economic development of the neighborhoods that creates jobs and increase access to amenities such as grocery stores, pharmacies, and banks. It should be noted that investment solely in housing construction or rehabilitation in areas that lack other types of investment may perpetuate fair housing issues. While “private investment” may include many types of investment, to achieve fair housing outcomes such investments should be strategic and part of a comprehensive community development strategy.

**Lack of public investment in specific neighborhoods, including services or amenities**

*(Segregation, R/ECAPs, Disparities in Opportunity, Disproportionate Housing Needs, Publicly Supported Housing)*

The term “public investment” refers here to the money government spends on housing and community development, including public facilities, infrastructure, and services. Services and amenities refer to services and amenities provided by local or state governments. These services often include sanitation, water, streets, schools, emergency services, social services, parks and transportation. Lack of or disparities in the provision of municipal and state services and amenities have an impact on housing choice and the quality of communities. Inequalities can include, but are not limited to disparity in physical infrastructure (such as whether or not roads are paved or sidewalks are provided and kept up); differences in access to water or sewer lines, trash pickup, or snow plowing. Amenities can include, but are not limited to recreational facilities, libraries, and parks. Variance in the comparative quality and array of municipal and state services across neighborhoods impacts fair housing choice.

**Lack of resources for fair housing agencies and organizations**

*(Fair Housing Enforcement, Outreach Capacity, and Resources Analysis)*

A lack of resources refers to insufficient resources for public or private organizations to conduct fair housing activities including testing, enforcement, coordination, advocacy, and awareness-raising. Fair housing testing has been particularly effective in advancing fair housing, but is rarely used today because of costs. Testing refers to the use of individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective buyers or renters of real estate for the purpose of gathering information, which may indicate whether a housing provider is complying with fair housing laws. “Resources” as used in this factor can be either public or private funding or other resources. Consider also coordination mechanisms between different enforcement actors.

**Lack of state or local fair housing laws**

*(Fair Housing Enforcement, Outreach Capacity, and Resources Analysis)*

State and local fair housing laws are important to fair housing outcomes. Consider laws that are comparable or “substantially equivalent” to the Fair Housing Act or other relevant federal laws affecting fair housing laws, as well as those that include additional protections. Examples of state and local laws affecting fair housing include legislation banning source of income discrimination, protections for individuals based on sexual orientation, age, survivors of domestic violence, or other characteristics, mandates to construct affordable housing, and site selection policies. Though some states and local jurisdiction may have housing laws that are designed to protect survivors of domestic violence, many do not, which impedes their ability to access and maintain their current housing as well as quickly find safe alternative housing. Also consider changes to existing State or local fair housing laws, including the proposed repeal or dilution of such legislation.

**Land use and zoning laws**

*(Segregation, R/ECAPs, Disparities in Opportunity, Disproportionate Housing Needs, Publicly Supported Housing, Disability and Access)*

The term “land use and zoning laws” generally refers to regulation by State or local government of the use of land and buildings, including regulation of the types of activities that may be conducted,

the density at which those activities may be performed, and the size, shape and location of buildings and other structures or amenities. Zoning and land use laws affect housing choice by determining where housing is built, what type of housing is built, who can live in that housing, and the cost and accessibility of the housing. Participants should consider the following examples of such laws and policies, and any other public policies that limit or promote the production of affordable housing:

- Limits on multi-unit developments, which may include outright bans on multi-unit developments or indirect limits such as height limits, limits on project scale and density, and minimum parking requirements.
- Local nuisance ordinances designed to address the number of emergency services calls resulting from, for example, assault, harassment, stalking, disorderly conduct, and many other kinds of behavior, situations, or conditions that result in the need for emergency services, that result in loss of housing or limit fair housing choice for victims of crime or persons with disabilities.
- Minimum lot sizes, which require residences to be located on a certain minimum sized area of land.
- Occupancy restrictions, which regulate how many persons may occupy a property and, sometimes, the relationship between those persons (refer also to occupancy codes and restrictions for further information).
- Lack of inclusionary zoning practices that mandate or incentivize the creation of affordable units.
- Lack of support for development and preservation of affordable housing (may include efforts for neighborhood stabilization, green building, transit oriented development, and smart growth development)
- Requirements for special use permits for all multifamily properties or multifamily properties serving individuals with disabilities, including group and nursing homes.
- Growth management ordinances.
- Provision of local financial resources, assistance with site selection, fee reductions or waivers for affordable housing, reduction of administrative delays.
- Restrictions on manufactured housing.
- Restriction or allowance of provision of services to persons experiencing homelessness, such as limiting transitional shelters, day shelters, soup kitchens, the provision of other services, or limitations on homeless persons' access areas that are open to the public (e.g., anti-loitering or nuisance ordinances).
- Restrictions on halfway houses, transitional housing, or other housing or programs for people leaving jails and prisons and reentering society.
- Restrictions on group homes and foster care homes.

### **Lending Discrimination**

*(Segregation, R/ECAPs, Disparities in Opportunity, Disproportionate Housing Needs, Disability and Access)*

The term “lending discrimination” refers here to unequal treatment based on protected class in the receipt of financial services and in residential real estate related transactions. These services and transactions encompass a broad range of transactions, including but not limited to: the making or purchasing of loans or other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling, as well as the selling, brokering, or appraising or residential real estate property. Discrimination in these transaction includes, but is not limited to: refusal to make a mortgage loan or refinance a mortgage loan; refusal to provide information regarding loans or providing unequal information; imposing different terms or conditions on a loan, such as different interest rates, points, or fees; discriminating in appraising property; refusal to purchase a loan or set different terms or conditions for purchasing a loan; discrimination in providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or other



financial assistance secured by residential real estate; and discrimination in foreclosures and the maintenance of real estate owned properties.

### **Location of accessible housing**

#### *(Disability and Access)*

The location of accessible housing can limit fair housing choice for individuals with disabilities. An important consideration of the location of accessible housing includes the distribution of accessible units throughout the jurisdiction and whether the accessible units are concentrated in a particular area within the jurisdiction. For purposes of this assessment, accessible housing refers to housing opportunities in which individuals with disabilities have equal opportunity to use and enjoy a dwelling. Characteristics that affect accessibility may include physical accessibility of units and public and common use areas of housing, as well as application procedures, such as first come first serve waitlists, inaccessible websites or other technology, denial of access to individuals with assistance animals, lack of familiarity of the building and safety and permitting departments with accessibility standards, or lack of information about affordable accessible housing. Federal, state, and local laws apply different accessibility requirements to housing. Generally speaking, multifamily housing built in 1991 or later must have accessibility features in units and in public and common use areas for persons with disabilities in accordance with the requirements of the Fair Housing Act. Housing built by recipients of Federal financial assistance or by, on behalf of, or through programs of public entities must have accessibility features in units and in public and common use areas, but the level of accessibility required may differ depending on when the housing was constructed or altered. Single-family housing is generally not required to be accessible by Federal law, except accessibility requirements typically apply to housing constructed or operated by a recipient of Federal financial assistance or a public entity. State and local laws differ regarding accessibility requirements. An approximation that may be useful in this assessment is that buildings built before 1992 tend not to be accessible.

### **Location of employers**

#### *(Disparities in Opportunity)*

The geographic relationship of job centers and large employers to housing, and the linkages between the two (including, in particular, public transportation) are important components of fair housing choice. Include consideration of the type of jobs available, variety of jobs available, job training opportunities, benefits and other key aspects that affect job access.

### **Location of environmental health hazards**

#### *(Disparities in Opportunity)*

The geographic relationship of environmental health hazards to housing is an important component of fair housing choice. When environmental health hazards are concentrated in particular areas, neighborhood health and safety may be compromised and patterns of segregation entrenched. Environmental issues affecting health can include access to safe and clean drinking water, soil contamination, excessive air pollution, and indoor health hazards (lead based paint, radon, mold, asbestos). Relevant factors to consider include the type and number of hazards, the degree of concentration or dispersion (including in older housing stock), and health effects such as asthma, cancer clusters, obesity, etc. Additionally, industrial siting policies and incentives for the location of housing may be relevant to this factor.

### **Location of proficient schools and school assignment policies**

#### *(Disparities in Opportunity)*

The geographic relationship of proficient schools to housing, and the policies that govern attendance, are important components of fair housing choice. The quality of schools is often a major factor in deciding where to live and school quality is also a key component of economic mobility. Relevant factors to consider include whether proficient schools are clustered in a portion of the jurisdiction or region, the range of housing opportunities close to proficient schools, and whether the jurisdiction has policies that enable students to attend a school of choice regardless of

place of residence. Policies to consider include, but are not limited to: inter-district transfer programs, limits on how many students from other areas a particular school will accept, and enrollment lotteries that do not provide access for the majority of children.

### **Location and type of affordable housing**

*(Segregation/Integration, R/ECAPS, Disparities in Opportunity)*

Affordable housing includes, but is not limited to publicly supported housing; however, each category of publicly supported housing often serves different income-eligible populations at different levels of affordability. What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. The location of housing encompasses the current location as well as past siting decisions. The location of affordable housing can limit fair housing choice, especially if the housing is located in segregated areas, R/ECAPs, or areas that lack access to opportunity. The type of housing (whether the housing primarily serves families with children, elderly persons, or persons with disabilities) can also limit housing choice, especially if certain types of affordable housing are located in segregated areas, R/ECAPs, or areas that lack access to opportunity, while other types of affordable housing are not. The provision of affordable housing is often important to individuals with protected characteristics because they are disproportionately represented among those that would benefit from low-cost housing.

### **Loss of Affordable Housing**

*(Segregation/Integration, R/ECAPS, Disparities in Access to Opportunity, Disproportionate Housing Needs, Publicly Supported Housing Location and Occupancy, Disability and Access)*

The loss of existing affordable housing can limit the housing choices and exacerbate fair housing issues affecting protected class groups. Affordable housing may be lost from the long-term stock due to deterioration, abandonment, or conversion to more expensive housing types, especially in sub-markets experiencing economic improvement. Buildings can leave the affordable inventory through owner opt outs from project-based Section 8 contracts, maturing long-term mortgages and expiration of use agreements (e.g. LIHTC at 15 or 30 years). Loss of this housing can affect multiple fair housing issues. For example, loss of affordable housing can lead to reduced access to areas with access to opportunity; displacement of protected class residents which may result in increased levels of segregation; a decrease in availability of affordable units resulting in disproportionate housing needs; or to disinvestment in segregated neighborhoods or R/ECAP communities. Potential efforts to prevent loss of existing affordable housing can include funding and indirect subsidies for rehabilitation and recapitalization to maintain physical structures, refinancing, renewal and extension of affordable use agreements, conversion to alternative subsidy types (e.g. Rental Assistance Demonstration), transfer of assistance to newer buildings or in alternative locations (e.g. PBRA Transfer Authority), and incentives for owners to maintain affordability (e.g. property tax abatement). Similarly, such efforts can also include addressing backlogs of repairs and maintaining the infrastructure of existing affordable housing, including publicly supported housing, such as through modernization or other improvements, when such efforts are part of concerted housing preservation and community revitalization efforts designed to affirmatively further fair housing. Efforts to prevent the loss of affordable housing can be part of a balanced approach to affirmatively further fair housing consistent with the Rule and HUD Guidance.

### **Occupancy codes and restrictions**

*(Segregation, R/ECAPS, Disparities in Opportunity, Publicly Supported Housing, Disability and Access)*

The term “occupancy codes and restrictions” refers here to State and local laws, ordinances, and regulations that regulate who may occupy a property and, sometimes, the relationship between

those persons. Standards for occupancy of dwellings and the implication of those standards for persons with certain protected characteristics may affect fair housing choice. Occupancy codes and restrictions include, but are not limited to:

- Occupancy codes with “persons per square foot” standards.
- Occupancy codes with “bedrooms per persons” standards.
- Restrictions on number of unrelated individuals in a definition of “family.”
- Restrictions on occupancy to one family in single family housing along with a restricted definition of “family.”
- Restrictions that directly or indirectly affect occupancy based on national origin, religion, or any other protected characteristic.
- Restrictions on where voucher holders can live.
- Restriction or allowance of provision of housing or services to persons experiencing homelessness, such as limiting transitional shelters, day shelters, soup kitchens, or other provision of services

### **Private Discrimination**

*(Segregation, R/ECAPs, Disparities in Opportunity)*

The term “private discrimination” refers here to discrimination in the private housing market that is illegal under the Fair Housing Act or related civil rights statutes. This may include, but is not limited to, discrimination by landlords, property managers, home sellers, real estate agents, lenders, homeowners’ associations, and condominium boards. Some examples of private discrimination may include: Refusal of housing providers to rent to individuals because of a protected characteristic.

- Refusal of housing providers to rent to individuals because of a protected characteristic.
- The provision of disparate terms, conditions, or information related to the sale or rental of a dwelling to individuals with protected characteristics.
- Steering of individuals with protected characteristics by a real estate agent to a particular neighborhood or area at the exclusion of other areas.
- Failure to grant a reasonable accommodation or modification to persons with disabilities.
- Prohibitions, restrictions, or limitations on the presence or activities of children within or around a dwelling.
- Refusal to rent or termination of leases based on the application of a policy relating to criminal records (including arrest and conviction) or credit policies that limit access to housing or fair housing choice for members of protected class groups in a manner inconsistent with fair housing or civil rights laws.
- Harassment in the form of quid pro quo harassment or hostile environment by a landlord, an owner, a property manager, other tenants, among others resulting in the loss of housing, limited access to housing or fair housing choice for members of protected class groups.

Useful references for the extent of private discrimination may be number and nature of complaints filed against housing providers in the jurisdiction, testing evidence, and unresolved violations of fair housing and civil rights laws.

### **Quality of affordable housing information programs**

*(Publicly Supported Housing)*

The term “affordable housing information programs” refers here to the provision of information related to affordable housing to potential tenants and organizations that serve potential tenants, including the maintenance, updating, and distribution of the information. This information includes: but is not limited to, listings of affordable housing opportunities or local landlords who accept Housing Choice Vouchers; mobility counseling programs; and community outreach to potential beneficiaries. The quality of such information relates to, but is not limited to:

- How comprehensive the information is (e.g. that the information provided includes a variety of neighborhoods, including those with access to opportunity indicators)
- How up-to-date the information is (e.g. that the publicly supported housing entity is taking active steps to maintain, update and improve the information).
- Pro-active outreach to widen the pool of participating rental housing providers, including both owners of individual residences and larger rental management companies.

**Regulatory barriers to providing housing and supportive services for persons with disabilities**  
*(Disability and Access)*

Some local governments require special use permits for or place other restrictions on housing and supportive services for persons with disabilities, as opposed to allowing these uses as of right. These requirements sometimes apply to all groups of unrelated individuals living together or to some subset of unrelated individuals. Such restrictions may include, but are not limited to, dispersion requirements or limits on the number of individuals residing together. Because special use permits require specific approval by local bodies, they can enable community opposition to housing for persons with disabilities and lead to difficulty constructing this type of units in areas of opportunity or anywhere at all. Other restrictions that limit fair housing choice include requirements that life-safety features appropriate for large institutional settings be installed in housing where supportive services are provided to one or more individuals with disabilities. Note that the Fair Housing Act makes it unlawful to utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of persons without disabilities, to take action against, or deny a permit, for a home because of the disability of individuals who live or would live there, or to refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

**Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs**

*(Publicly Supported Housing)*

The term “siting selection” refers here to the placement of new publicly supported housing developments. Placement of new housing refers to new construction or acquisition with rehabilitation of previously unsubsidized housing. State and local policies, practices, and decisions can significantly affect the location of new publicly supported housing. Local policies, practices, and decisions that may influence where developments are sited include, but are not limited to, local funding approval processes, zoning and land use laws, local approval of LIHTC applications, and donations of land and other municipal contributions. For example, for LIHTC developments, the priorities and requirements set out in the governing Qualified Allocation Plan (QAP) influence where developments are located through significant provisions in QAPs such as local veto or support requirements and criteria and points awarded for project location.

**Source of income discrimination**

*(Segregation/Integration, R/ECAPs, Disparities in Opportunity, Disproportionate Housing Needs, Publicly Supported Housing, Disability and Access)*

The term “source of income discrimination” refers here to the refusal by a housing provider to accept tenants based on type of income. This type of discrimination often occurs against individuals receiving assistance payments such as Supplemental Security Income (SSI) or other disability income (such as SSDI), social security or other retirement income, or tenant-based rental assistance, including Housing Choice Vouchers. Source of income discrimination may significantly limit fair housing choice for individuals with certain protected characteristics. The elimination of source of income discrimination and the acceptance of payment for housing, regardless of source or type of income, or housing subsidy, increases fair housing choice and access to opportunity. Additionally, some jurisdictions have laws that protect against source of income discrimination and the acceptance of payment for housing regardless of the source or type

of income. Having such legislation and enforcement of such legislation may increase fair housing choice and access to opportunity. Other efforts to increase fair housing choice could include outreach and actions to increase participation in the Housing Choice Voucher program. Examples of these outreach and actions may include, demonstrating effective business or administrative processes, such as expediting inspections or the use of innovative practices such as repair funds or security deposit assistance.

Some service areas require additional inspections, licenses, permits, paperwork, etc. for landlords hoping to rent to voucher holders. Some service areas also maintain stricter regulations on Section 8 landlords than market rate landlords or place restrictions on the number of vouchers that can be used in a given area.

**State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing and other integrated settings**

*(Disability and Access)*

State and local laws, policies, or practices may discourage or prohibit individuals with disabilities from living in apartments, family homes, supportive housing and other integrated settings. Such laws, policies, or practices may include medical assistance or social service programs that require individuals to reside in institutional or other segregated settings in order to receive services, a lack of supportive services or affordable, accessible housing, or a lack of access to transportation, education, or jobs that would enable persons with disabilities to live in integrated, community-based settings.

**Unresolved violations of fair housing or civil rights law**

*(Fair Housing Enforcement, Outreach Capacity, and Resources Analysis)*

Unresolved violations of fair housing and civil rights laws include determinations or adjudications of a violation or relevant laws that have not been settled or remedied. This includes determinations of housing discrimination by an agency, court, or Administrative Law Judge; findings of noncompliance by HUD or state or local agencies; and noncompliance with fair housing settlement agreements.

**APPENDIX D – Contributing Factors Descriptions Applicable to the 1,250 units or fewer PHA Insert**

**Access to financial services**

*(Additional Contributing Factors: Disparities in Access to Opportunity)*

The term “financial services” refers here to economic services provided by a range of quality organizations that manage money, including credit unions, banks, credit card companies, and insurance companies. These services would also include access to credit financing for mortgages, home equity, and home repair loans. Access to these services includes physical access - often dictated by the location of banks or other physical infrastructure - as well as the ability to obtain credit, insurance or other key financial services. Access may also include equitable treatment in receiving financial services, including equal provision of information and equal access to mortgage modifications. For purposes of this contributing factor, financial services do not include predatory lending including predatory foreclosure practices, storefront check cashing, payday loan services, and similar services. Gaps in banking services can make residents vulnerable to these types of predatory lending practices, and lack of access to quality banking and financial services may jeopardize an individual’s credit and the overall sustainability of homeownership and wealth accumulation.

**Access for persons with disabilities to proficient schools**

*(Disability and Access)*

Individuals with disabilities may face unique barriers to accessing proficient schools. In some service areas, some school facilities may not be accessible or may only be partially accessible to individuals with different types of disabilities (often these are schools built before the enactment of the ADA or the Rehabilitation Act of 1973). In general, a fully accessible building is a building that complies with all of the ADA's requirements and has no barriers to entry for persons with mobility impairments. It enables students and parents with physical or sensory disabilities to access and use all areas of the building and facilities to the same extent as students and parents without disabilities, enabling students with disabilities to attend classes and interact with students without disabilities to the fullest extent. In contrast, a partially accessible building allows for persons with mobility impairments to enter and exit the building, access all relevant programs, and have use of at least one restroom, but the entire building is not accessible and students or parents with disabilities may not access areas of the facility to the same extent as students and parents without disabilities. In addition, in some instances school policies steer individuals with certain types of disabilities to certain facilities or certain programs or certain programs do not accommodate the disability-related needs of certain students.

### **Access to publicly supported housing for persons with disabilities**

*(Disability and Access)*

The lack of a sufficient number of accessible units or lack of access to key programs and services poses barriers to individuals with disabilities seeking to live in publicly supported housing. For purposes of this assessment, publicly supported housing refers to housing units that are subsidized by federal, state, or local entities. "Accessible housing" refers to housing that accords individuals with disabilities equal opportunity to use and enjoy a dwelling. The concept of "access" here includes physical access for individuals with different types of disabilities (for example, ramps and other accessibility features for individuals with mobility impairments, visual alarms and signals for individuals who are deaf or hard of hearing, and audio signals, accessible signage, and other accessibility features for individuals who are blind or have low vision), as well as the provision of auxiliary aids and services to provide effective communication for individuals who are deaf or hard of hearing, are blind or have low vision, or individuals who have speech impairments. The concept of "access" here also includes programmatic access, which implicates such policies as application procedures, waitlist procedures, transfer procedures and reasonable accommodation procedures.

### **Access to transportation for persons with disabilities**

*(Disability and Access)*

Individuals with disabilities may face unique barriers to accessing transportation, including both public and private transportation, such as buses, rail services, taxis, and para-transit. The term "access" in this context includes physical accessibility, policies, physical proximity, cost, safety, reliability, etc. It includes the lack of accessible bus stops, the failure to make audio announcements for persons who are blind or have low vision, and the denial of access to persons with service animals. The absence of or clustering of accessible transportation and other transportation barriers may limit the housing choice of individuals with disabilities.

### **Admissions and occupancy policies and procedures, including preferences in publicly supported housing**

*(Disability and Access; Publicly Supported Housing)*

The term "admissions and occupancy policies and procedures" refers here to the policies and procedures used by publicly supported housing providers that affect who lives in the housing, including policies and procedures related to marketing, advertising vacancies, applications, tenant selection, assignment, and maintained or terminated occupancy. Procedures that may relate to fair housing include, but are not limited to:

- Admissions preferences (e.g. residency preference, preferences for local workforce, etc.)
- Application, admissions, and waitlist policies (e.g. in-person application requirements, rules regarding applicant acceptance or rejection of units, waitlist time limitations, first come first serve, waitlist maintenance, etc.).

- Credit or criminal record policies.
- Designations of housing developments (or portions of developments) for the elderly and/or persons with disabilities.
- Domestic Violence (displacement due to domestic violence, defined as actual or threatened physical violence directed against another person, and accessibility to permanent affordable housing is a crucial step toward safety and stability for domestic violence survivors).
- Eviction policies and procedures.
- Housing providers' policies for processing reasonable accommodations and modifications requests
- Income thresholds for new admissions or for continued eligibility.
- Occupancy limits.

### **Availability of affordable units in a range of sizes**

*(Additional Contributing Factors: Disproportionate Housing Needs)*

The provision of affordable housing is often important to individuals with certain protected characteristics because groups are disproportionately represented among those who would benefit from low-cost housing. What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. This contributing factor refers to the availability of units that a low- or moderate-income family could rent or buy, including one-bedroom units and multi-bedroom units for larger families. When considering availability, consider transportation costs, school quality, and other important factors in housing choice. Whether affordable units are available with a greater number of bedrooms and in a range of different geographic locations may be a particular barrier facing families with children.

### **Availability, type, frequency, and reliability of public transportation**

*(Additional Contributing Factors: Disparities in Access to Opportunity)*

Public transportation is shared passenger transport service available for use by the general public, including buses, light rail, and rapid transit. Public transportation includes paratransit services for persons with disabilities. The availability, type, frequency, and reliability of public transportation affect which households are connected to community assets and economic opportunities. Transportation policies that are premised upon the use of a personal vehicle may impact public transportation. “Availability” as used here includes geographic proximity, cost, safety and accessibility, as well as whether the transportation connects individuals to places they need to go such as jobs, schools, retail establishments, and healthcare. “Type” refers to method of transportation such as bus or rail. “Frequency” refers to the interval at which the transportation runs. “Reliability” includes such factors as an assessment of how often trips are late or delayed, the frequency of outages, and whether the transportation functions in inclement weather.

### **Community opposition**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Publicly Supported Housing)*

The opposition of community members to proposed or existing developments—including housing developments, affordable housing, publicly supported housing (including use of housing choice vouchers and source of income discrimination based on housing choice vouchers), multifamily housing, or housing for persons with disabilities—is often referred to as “Not in my Backyard,” or NIMBY-ism. This opposition is often expressed in protests, challenges to land-use requests or zoning waivers or variances, lobbying of decision-making bodies, or even harassment and intimidation. Community opposition can be based on factual concerns (concerns are concrete and not speculative, based on rational, demonstrable evidence, focused on measurable impact on a neighborhood) or can be based on biases (concerns are focused on stereotypes, prejudice, and anxiety about the new residents or the units in which they will live). Community opposition, when successful at blocking housing options, may limit or deny housing choice for individuals with certain protected characteristics.

### **Displacement of residents due to economic pressures**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Publicly Supported Housing)*

The term “displacement” refers here to a resident’s undesired departure from a place where an individual has been living. “Economic pressures” may include, but are not limited to, rising rents, rising property taxes related to home prices, rehabilitation of existing structures, demolition of subsidized housing, loss of affordability restrictions, and public and private investments in neighborhoods. Such pressures can lead to loss of existing affordable housing in areas experiencing rapid economic growth and a resulting loss of access to opportunity assets for lower income families that previously lived there. Where displacement disproportionately affects persons with certain protected characteristic, the displacement of residents due to economic pressures may exacerbate patterns of residential segregation.

### **Impediments to mobility**

*(Additional Contributing Factors: Disparities in Access to Opportunity; Publicly Supported Housing)*

The term “impediments to mobility” refers here to barriers faced by individuals and families when attempting to move to a neighborhood or area of their choice, especially integrated areas and areas of opportunity. This refers to both Housing Choice Vouchers and other public and private housing options. Many factors may impede mobility, including, but not limited to:

- Lack of quality mobility counseling. Mobility counseling is designed to assist families in moving from high-poverty to low-poverty neighborhoods that have greater access to opportunity assets appropriate for each family (e.g. proficient schools for families with children or effective public transportation.). Mobility counseling can include a range of options including, assistance for families for “second moves” after they have accessed stable housing, and ongoing post-move support for families.
- Jurisdictional fragmentation among multiple providers of publicly supported housing that serve single metropolitan areas and lack of regional cooperation mechanisms, including PHA jurisdictional limitations.
- Lack of a consolidated waitlist for all assisted housing available in the metropolitan area.
- Lack of source of income protection or discrimination based on source of income, including SSDI, Housing Choice Vouchers, or other tenant-based rental assistance.

### **Impediments to Portability**

*(Additional Contributing Factors: Disparities in Access to Opportunity; Publicly Supported Housing)*

Impediments to Portability refers to challenges that make it difficult for PHAs to coordinate program operations with other PHAs in order to maximize HCV mobility at the regional level. These impediments can include administrative issues in coordinating portability moves. Porting families from one locality to another can pose logistical challenges for both the sending and receiving PHAs. Poor communication procedures and contacts between PHAs can create impediments to families porting outside the PHA’s service area. Low FMRs and payment standards in costly rental markets can prohibit mobility and portability. Issues like delays in HQS inspection by the receiving PHA can also inhibit portability moves.

### **Inaccessible public or private infrastructure**

*(Disability and Access)*

Many public buildings, sidewalks, pedestrian crossings, or other infrastructure components are inaccessible to individuals with disabilities including persons with mobility impairments, individuals who are deaf or hard of hearing, and persons who are blind or have low vision. These accessibility issues can limit realistic housing choice for individuals with disabilities.



Inaccessibility is often manifest by the lack of curb cuts, lack of ramps, and the lack of audible pedestrian signals. While the Americans with Disabilities Act and related civil rights laws establish accessibility requirements for infrastructure, these laws do not apply everywhere and/or may be inadequately enforced. Inaccessible government facilities and services may pose a barrier to fair housing choice for individuals with disabilities by limiting access to important community assets such as public meetings, social services, libraries, and recreational facilities. Note that the concept of accessibility includes both physical access (including to websites and other forms of communication) as well as policies and procedures. While the Americans with Disabilities Act and related civil rights laws require that newly constructed and altered government facilities, as well as programs and services, be accessible to individuals with disabilities, these laws may not apply in all circumstances and/or may be inadequately enforced.

### **Lack of access to opportunity due to high housing costs**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Disability and Access; Publicly Supported Housing)*

Housing that affords access to opportunities, such as proficient schools, public transportation, employment centers, low poverty, and environmentally healthy neighborhoods may be cost prohibitive for low income persons, including those receiving assistance through the Housing Choice Voucher program. High costs can have a greater effect on families with children who need multiple bedrooms and individuals with disabilities who need accessible housing or housing located close to accessible transportation. Lack of strategies to overcome barriers imposed by housing costs can deny access to opportunity. Such strategies may include Small Area fair market rents (FMRs), exception payment standards, siting of Project-Based Vouchers, buying down affordability of existing rental housing using HOME or LIHTC, inclusionary zoning (including when combined with ongoing affordability at voucher payment standards or acceptance of vouchers), and use of LIHTC for new construction of affordable housing opportunities.

### **Lack of affordable, accessible housing in a range of unit sizes**

*(Disability and Access)*

What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. For purposes of this assessment, “accessible housing” refers to housing that accords individuals with disabilities equal opportunity to use and enjoy a dwelling. Characteristics that affect accessibility may include physical accessibility of units and public and common use areas of housing, as well as application procedures, such as first come first serve waitlists, inaccessible websites or other technology, denial of access to individuals with assistance animals, or lack of information about affordable accessible housing. The clustering of affordable, accessible housing with a range of unit sizes may also limit fair housing choice for individuals with disabilities.

### **Lack of affordable in-home or community-based supportive services**

*(Disability and Access)*

The term “in-home or community-based supportive services” refers here to medical and other supportive services available for targeted populations, such as individuals with mental illnesses, cognitive or developmental disabilities, and/or physical disabilities in their own home or community (as opposed to in institutional settings). Such services include personal care, assistance with housekeeping, transportation, in-home meal service, integrated adult day services and other services (including, but not limited to, medical, social, education, transportation, housing, nutritional, therapeutic, behavioral, psychiatric, nursing, personal care, and respite). They also include assistance with activities of daily living such as bathing, dressing, eating, and using the toilet, shopping, managing money or medications, and various household management activities, such as doing laundry. Public entities must provide services to individuals with disabilities in

community settings rather than institutions when: 1) such services are appropriate to the needs of the individual; 2) the affected persons do not oppose community-based treatment; and 3) community-based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability-related services from the entity. Assessing the cost and availability of these services is also an important consideration, including the role of state Medicaid agencies. The outreach of government entities around the availability of community supports to persons with disabilities in institutions may impact these individuals' knowledge of such supports and their ability to transition to community-based settings.

### **Lack of affordable, integrated housing for individuals who need supportive services**

*(Disability and Access)*

What is "affordable" varies by the circumstances affecting the individual, and includes the cost of housing and services taken together. Integrated housing is housing where individuals with disabilities can live and interact with persons without disabilities to the fullest extent possible. In its 1991 rulemaking implementing Title II of the ADA, the U.S. Department of Justice defined "the most integrated setting appropriate to the needs of qualified individuals with disabilities" as "a setting that enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible." By contrast, segregated settings are occupied exclusively or primarily by individuals with disabilities. Segregated settings sometimes have qualities of an institutional nature, including, but not limited to, regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, limits on individuals' ability to engage freely in community activities and manage their own activities of daily living, or daytime activities primarily with other individuals with disabilities. For purposes of this tool "supportive services" means medical and other voluntary supportive services available for targeted populations groups, such as individuals with mental illnesses, intellectual or developmental disabilities, and/or physical disabilities, in their own home or community (as opposed to institutional settings). Such services may include personal care, assistance with housekeeping, transportation, in-home meal service, integrated adult day services and other services. They also include assistance with activities of daily living such as bathing, dressing, and using the toilet, shopping, managing money or medications, and various household management activities, such as doing laundry.

### **Lack of assistance for transitioning from institutional settings to integrated housing**

*(Disability and Access)*

The integration mandate of the ADA and *Olmstead v. L.C.*, 527 U.S. 581 (1999) (*Olmstead*) compels states to offer community-based health care services and long-term services and supports for individuals with disabilities who can live successfully in housing with access to those services and supports. In practical terms, this means that states must find housing that enables them to assist individuals with disabilities to transition out of institutions and other segregated settings and into the most integrated setting appropriate to the needs of each individual with a disability. A critical consideration in each state is the range of housing options available in the community for individuals with disabilities and whether those options are largely limited to living with other individuals with disabilities, or whether those options include substantial opportunities for individuals with disabilities to live and interact with individuals without disabilities. For further information on the obligation to provide integrated housing opportunities, please refer to HUD's Statement on the Role of Housing in Accomplishing the Goals of *Olmstead*, the U.S. Department of Justice's Statement on *Olmstead* Enforcement, as well as the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services final rule and regulations regarding Home and Community-Based Setting requirements. Policies that perpetuate segregation may include: inadequate community-based services; reimbursement and other policies that make needed services unavailable to support individuals with disabilities in mainstream housing; conditioning access to housing on willingness to receive supportive services; incentivizing the development or rehabilitation of segregated settings. Policies or practices that promote community integration may include: the administration of long-term State or locally-funded tenant-based rental assistance

programs; applying for funds under the Section 811 Project Rental Assistance Demonstration; implementing special population preferences in the HCV and other programs; incentivizing the development of integrated supportive housing through the LIHTC program; ordinances banning housing discrimination on the basis of source of income; coordination between housing and disability services agencies; increasing the availability of accessible public transportation.

**Lack of community revitalization strategies**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs))*

The term “community revitalization strategies” refers here to realistic planned activities to improve the quality of life in areas that lack public and private investment, services and amenities, have significant deteriorated and abandoned properties, or other indicators of community distress. Revitalization can include a range of activities such as improving housing, attracting private investment, creating jobs, and expanding educational opportunities or providing links to other community assets. Strategies may include such actions as rehabilitating housing; offering economic incentives for housing developers/sponsors, businesses (for commercial and employment opportunities), bankers, and other interested entities that assist in the revitalization effort; and securing financial resources (public, for-profit, and nonprofit) from sources inside and outside the jurisdiction to fund housing improvements, community facilities and services, and business opportunities in neighborhoods in need of revitalization. When a community is being revitalized, the preservation of affordable housing units can be a strategy to promote integration.

**Lack of job training programs**

*(Additional Contributing Factors: Disparities in Access to Opportunity)*

Lack of job training programs hinders employment opportunities in a community, and contributes to income and locational-based segregation by denying access to opportunity. The existence of job training programs can create strong, stable, and diverse communities.

**Lack of local or regional cooperation**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Disability and Access; Publicly Supported Housing)*

The term “local or regional cooperation” refers here to formal networks or coalitions of organizations, people, and entities working together to plan for local or regional development. Cooperation in local or regional planning can be a useful approach to coordinate responses to identified fair housing issues and contributing factors because fair housing issues and contributing factors not only cross multiple sectors—including housing, education, transportation, and commercial and economic development—but these issues are often not constrained by political-geographic boundaries. When there are local or regional patterns in segregation or R/ECAP, access to opportunity, disproportionate housing needs, or the concentration of affordable housing there may be a lack of local or regional cooperation and fair housing choice may be restricted.

**Lack of local public and/or private fair housing outreach, enforcement, and/or resources**

*(Fair Housing Enforcement, Outreach Capacity, and Resources)*

Public and private fair housing outreach and enforcement refers to actions by individuals and organizations, including fair housing education, testing, litigation, investigations, arranging and implementing settlement agreements, coordination, advocacy, and fair housing audits. A lack of enforcement is often the result of a lack of resources or a lack of awareness about rights under fair housing and civil rights laws, which can lead to under-reporting of discrimination, failure to take advantage of remedies under the law, and the continuation of discriminatory practices. Activities to raise awareness may include technical training for housing industry representatives and organizations, education and outreach activities geared to the general public, advocacy campaigns, fair housing testing and enforcement. Examples of activities, among others, private civil rights

organizations undertake may include: outreach, education, and training on fair housing issues such as the appropriate application of arrest and criminal conviction records, credit policies, and prior evictions, in leasing and lease termination decision making; and fair housing issues affecting LGBT individuals, the application of any state or local law providing specific protection for such individuals, as well as compliance with HUD regulations and guidance relating to such individuals. A lack of resources may exacerbate barriers to public and private fair housing outreach and enforcement. In particular, limited testing and other resources may undermine the effectiveness of fair housing enforcement.

### **Lack of meaningful language access**

*(Publicly Supported Housing)*

Individuals with limited English proficiency (LEP) includes anyone “who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English...” (HUD LEP Guidance, 6872 Fed. Reg. 273244) (Jan. 22, 2007). The lack of meaningful language access poses barriers to LEP individuals seeking publicly supported housing. It is important that housing providers are in compliance with language access requirements to ensure that all individuals have access to information regarding affordable housing.

### **Lack of public and private investment in specific neighborhoods, including services or amenities**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Disability and Access; Publicly Supported Housing)*

The term “public investment” refers here to the money government spends on housing and community development, including public facilities, infrastructure, and services. Services and amenities refer to services and amenities provided by local or state governments. These services often include sanitation, water, streets, schools, emergency services, social services, parks and transportation. Lack of or disparities in the provision of municipal and state services and amenities have an impact on housing choice and the quality of communities. Inequalities can include, but are not limited to disparity in physical infrastructure (such as whether or not roads are paved or sidewalks are provided and kept up); differences in access to water or sewer lines, trash pickup, or snow plowing. Amenities can include, but are not limited to recreational facilities, libraries, and parks. Variance in the comparative quality and array of municipal and state services across neighborhoods impacts fair housing choice.

The term “private investment” refers here to investment by non-governmental entities, such as corporations, financial institutions, individuals, philanthropies, and non-profits, in housing and community development infrastructure. Private investment can be used as a tool to advance fair housing, through innovative strategies such as mixed-use developments, targeted investment, and public-private partnerships. Private investments may include, but are not limited to: housing construction or rehabilitation; investment in businesses; the creation of community amenities, such as recreational facilities and providing social services; and economic development of the neighborhoods that creates jobs and increase access to amenities such as grocery stores, pharmacies, and banks. It should be noted that investment solely in housing construction or rehabilitation in areas that lack other types of investment may perpetuate fair housing issues. While “private investment” may include many types of investment, to achieve fair housing outcomes such investments should be strategic and part of a comprehensive community development strategy.

### **Land use and zoning laws**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Disability and Access; Publicly Supported Housing)*

The term “land use and zoning laws” generally refers to regulation by State or local government of the use of land and buildings, including regulation of the types of activities that may be conducted, the density at which those activities may be performed, and the size, shape and location of buildings and other structures or amenities. Zoning and land use laws affect housing choice by determining where housing is built, what type of housing is built, who can live in that housing, and the cost and accessibility of the housing. Participants should consider the following examples of such laws and policies, and any other public policies that limit or promote the production of affordable housing:

- Limits on multi-unit developments, which may include outright bans on multi-unit developments or indirect limits such as height limits, limits on project scale and density, and minimum parking requirements.
- Local nuisance ordinances designed to address the number of emergency services calls resulting from, for example, assault, harassment, stalking, disorderly conduct, and many other kinds of behavior, situations, or conditions that result in the need for emergency services, that result in loss of housing or limit fair housing choice for victims of crime or persons with disabilities.
- Minimum lot sizes, which require residences to be located on a certain minimum sized area of land.
- Occupancy restrictions, which regulate how many persons may occupy a property and, sometimes, the relationship between those persons (refer also to occupancy codes and restrictions for further information).
- Lack of inclusionary zoning practices that mandate or incentivize the creation of affordable units.
- Lack of support for development and preservation of affordable housing (may include efforts for neighborhood stabilization, green building, transit oriented development, and smart growth development)
- Requirements for special use permits for all multifamily properties or multifamily properties serving individuals with disabilities, including group and nursing homes.
- Growth management ordinances.
- Provision of local financial resources, assistance with site selection, fee reductions or waivers for affordable housing, reduction of administrative delays.
- Restrictions on manufactured housing.
- Restriction or allowance of provision of services to persons experiencing homelessness, such as limiting transitional shelters, day shelters, soup kitchens, the provision of other services, or limitations on homeless persons’ access areas that are open to the public (e.g., anti-loitering or nuisance ordinances).
- Restrictions on halfway houses, transitional housing, or other housing or programs for people leaving jails and prisons and reentering society.
- Restrictions on group homes and foster care homes.

**Laws, policies, regulatory barriers to providing housing and supportive services for persons with disabilities**

*(Disability and Access)*

Some local governments require special use permits for or place other restrictions on housing and supportive services for persons with disabilities, as opposed to allowing these uses as of right. These requirements sometimes apply to all groups of unrelated individuals living together or to some subset of unrelated individuals. Such restrictions may include, but are not limited to, dispersion requirements or limits on the number of individuals residing together. Because special use permits require specific approval by local bodies, they can enable community opposition to housing for persons with disabilities and lead to difficulty constructing this type of units in areas of opportunity or anywhere at all. Other restrictions that limit fair housing choice include requirements that life-safety features appropriate for large institutional settings be installed in

housing where supportive services are provided to one or more individuals with disabilities. Note that the Fair Housing Act makes it unlawful to utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of persons without disabilities, to take action against, or deny a permit, for a home because of the disability of individuals who live or would live there, or to refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

### **Location of accessible housing**

*(Disability and Access)*

The location of accessible housing can limit fair housing choice for individuals with disabilities. For purposes of this assessment, accessible housing refers to housing opportunities in which individuals with disabilities have equal opportunity to use and enjoy a dwelling. Characteristics that affect accessibility may include physical accessibility of units and public and common use areas of housing, as well as application procedures, such as first come first serve waitlists, inaccessible websites or other technology, denial of access to individuals with assistance animals, or lack of information about affordable accessible housing. Federal, state, and local laws apply different accessibility requirements to housing. Generally speaking, multifamily housing built in 1991 or later must have accessibility features in units and in public and common use areas for persons with disabilities in accordance with the requirements of the Fair Housing Act. Housing built by recipients of Federal financial assistance or by, on behalf of, or through programs of public entities must have accessibility features in units and in public and common use areas, but the level of accessibility required may differ depending on when the housing was constructed or altered. Single-family housing is generally not required to be accessible by Federal law, except accessibility requirements typically apply to housing constructed or operated by a recipient of Federal financial assistance or a public entity. State and local laws differ regarding accessibility requirements. An approximation that may be useful in this assessment is that buildings built before 1992 tend not to be accessible.

### **Location of employers**

*(Additional Contributing Factors: Disparities in Access to Opportunity)*

The geographic relationship of job centers and large employers to housing, and the linkages between the two (including, in particular, public transportation) are important components of fair housing choice. Include consideration of the type of jobs available, variety of jobs available, job training opportunities, benefits and other key aspects that affect job access.

### **Location of environmental health hazards**

*(Additional Contributing Factors: Disparities in Access to Opportunity)*

The geographic relationship of environmental health hazards to housing is an important component of fair housing choice. When environmental health hazards are concentrated in particular areas, neighborhood health and safety may be compromised and patterns of segregation entrenched. Environmental issues affecting health can include access to safe and clean drinking water, soil contamination, excessive air pollution, and indoor health hazards (lead based paint, radon, mold, asbestos). Relevant factors to consider include the type and number of hazards, the degree of concentration or dispersion (including in older housing stock), and health effects such as asthma, cancer clusters, obesity, etc. Additionally, industrial siting policies and incentives for the location of housing may be relevant to this factor.

### **Location of proficient schools and school assignment policies**

*(Additional Contributing Factors: Disparities in Access to Opportunity)*

The geographic relationship of proficient schools to housing, and the policies that govern attendance, are important components of fair housing choice. The quality of schools is often a major factor in deciding where to live and school quality is also a key component of economic mobility. Relevant factors to consider include whether proficient schools are clustered in a portion

of the service area or region, the range of housing opportunities close to proficient schools, and whether the PHA or local government has policies that enable students to attend a school of choice regardless of place of residence. Policies to consider include, but are not limited to: inter-district transfer programs, limits on how many students from other areas a particular school will accept, and enrollment lotteries that do not provide access for the majority of children.

### **Location and type of affordable housing**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs))*

Affordable housing includes, but is not limited to publicly supported housing; however, each category of publicly supported housing often serves different income-eligible populations at different levels of affordability. What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. The location of housing encompasses the current location as well as past siting decisions. The location of affordable housing can limit fair housing choice, especially if the housing is located in segregated areas, R/ECAPs, or areas that lack access to opportunity. The type of housing (whether the housing primarily serves families with children, elderly persons, or persons with disabilities) can also limit housing choice, especially if certain types of affordable housing are located in segregated areas, R/ECAPs, or areas that lack access to opportunity, while other types of affordable housing are not. The provision of affordable housing is often important to individuals with protected characteristics because they are disproportionately represented among those that would benefit from low-cost housing. The location and type of affordable housing can also include the location of Housing Choice Voucher households, which may be affected by the location of affordable rental units, by market rents in relation to available subsidies and by landlord participation and acceptance.

### **Loss of affordable housing**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Publicly Supported Housing)*

The loss of existing affordable housing can limit the housing choices and exacerbate fair housing issues affecting protected class groups. Affordable housing may be lost from the long-term stock due to deterioration, abandonment, or conversion to more expensive housing types, especially in sub-markets experiencing economic improvement. Buildings can leave the affordable inventory through owner opt outs from project-based Section 8 contracts, maturing long-term mortgages and expiration of use agreements (e.g. LIHTC at 15 or 30 years). Loss of this housing can affect multiple fair housing issues. For example, loss of affordable housing can lead to reduced access to areas with access to opportunity; displacement of protected class residents which may result in increased levels of segregation; a decrease in availability of affordable units resulting in disproportionate housing needs; or to disinvestment in segregated neighborhoods or R/ECAP communities. Potential efforts to prevent loss of existing affordable housing can include funding and indirect subsidies for rehabilitation and recapitalization to maintain physical structures, refinancing, renewal and extension of affordable use agreements, conversion to alternative subsidy types (e.g. Rental Assistance Demonstration), transfer of assistance to newer buildings or in alternative locations (e.g. PBRA Transfer Authority), and incentives for owners to maintain affordability (e.g. property tax abatement). Similarly, such efforts can also include addressing backlogs of repairs and maintaining the infrastructure of existing affordable housing, including publicly supported housing, such as through modernization or other improvements, when such efforts are part of concerted housing preservation and community revitalization efforts designed to affirmatively further fair housing. Efforts to prevent the loss of affordable housing can be part of a balanced approach to affirmatively further fair housing consistent with the Rule and HUD Guidance.

### **Occupancy codes and restrictions**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Publicly Supported Housing)*

The term “occupancy codes and restrictions” refers here to State and local laws, ordinances, and regulations that regulate who may occupy a property and, sometimes, the relationship between those persons. Standards for occupancy of dwellings and the implication of those standards for persons with certain protected characteristics may affect fair housing choice. Occupancy codes and restrictions include, but are not limited to:

- Occupancy codes with “persons per square foot” standards.
- Occupancy codes with “bedrooms per persons” standards.
- Restrictions on number of unrelated individuals in a definition of “family.”
- Restrictions on occupancy to one family in single family housing along with a restricted definition of “family.”
- Restrictions that directly or indirectly affect occupancy based on national origin, religion, or any other protected characteristic.
- Restrictions on where voucher holders can live.

### **Policies related to payment standards, FMR, and rent subsidies**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Publicly Supported Housing)*

HUD fair market rents (FMRs), and payment standards set by PHAs may limit mobility for some HCV-assisted households in some markets or to some areas within markets. Because FMRs are generally set at the 40th percentile of the metropolitan-wide rent distribution and PHAs only have authority to set rents between 90-110 percent (basic range) of the applicable Fair Market Rent, some neighborhoods may have few or no units available. Exception payment standards allow for a higher payment standard amount for a designated part or parts of an FMR area. Exception payment standards exceed the PHA's basic range, and are determined in accordance with section 982.503(c).

HUD approval is required for exception payment standards. PHAs may propose using Small area FMRs, which vary by zip code, in the determination of potential exception payment standards. A PHA's policies regarding the use of exception payment standards and small area FMRs may affect the extent to which HCV-assisted households may be able to find housing in different neighborhoods with varying rents. HUD also recognizes that setting the basic payment standard between 90 and 110 percent of FMR involves important policy and financial considerations, including the total number of families served, success and leasing rates and the need to avoid displacement of existing families. Additionally, low FMRs and payment standards in costly rental markets can prohibit mobility and portability

### **Private Discrimination**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs))*

The term “private discrimination” refers here to discrimination in the private housing market that is illegal under the Fair Housing Act or related civil rights statutes. This may include, but is not limited to, discrimination by landlords, property managers, home sellers, real estate agents, lenders, homeowners' associations, and condominium boards. Some examples of private discrimination may include:

- Refusal of housing providers to rent to individuals because of a protected characteristic.
- The provision of disparate terms, conditions, or information related to the sale or rental of a dwelling to individuals because of a protected characteristic.



- Steering of individuals with protected characteristics by a real estate agent to a particular neighborhood or area at the exclusion of other areas.
- Failure to grant a reasonable accommodation or modification to persons with disabilities.
- Prohibitions, restrictions, or limitations on the presence or activities of children within or around a dwelling.
- Refusal to rent or termination of leases based on the application of a policy relating to criminal records (including arrest and conviction) or credit policies that limit access to housing or fair housing choice for members of protected class groups in a manner inconsistent with fair housing or civil rights laws.
- Harassment in the form of quid pro quo harassment or hostile environment by a landlord, an owner, a property manager, other tenants, among others resulting in the loss of housing, limited access to housing or fair housing choice for members of protected class groups.

Discrimination may also occur where there is a lack of or failure to enforce State or local fair housing laws, including laws that are comparable or “substantially equivalent” to the Fair Housing Act or other relevant federal laws affecting fair housing, including laws with additional protections. Examples include legislation banning source of income discrimination, protections for individuals based on sexual orientation, age, survivors of domestic violence, or other characteristics, mandates to construct affordable housing, and site selection policies. Though some states and local jurisdictions may have housing laws that are designed to protect survivors of domestic violence, many do not, which impedes the survivors’ ability to access and maintain their current housing as well as quickly find safe alternative housing. Also consider changes to existing State or local fair housing laws, including the proposed repeal or dilution of such legislation.

### **Quality of affordable housing information programs**

*(Publicly Supported Housing)*

The term “affordable housing information programs” refers here to the provision of information related to affordable housing to potential tenants and organizations that serve potential tenants, including the maintenance, updating, and distribution of the information. This information includes: but is not limited to, listings of affordable housing opportunities or local landlords who accept Housing Choice Vouchers; mobility counseling programs; and community outreach to potential beneficiaries. The quality of such information relates to, but is not limited to:

- How comprehensive the information is (e.g. that the information provided includes a variety of neighborhoods, including those with access to opportunity indicators)
- How up-to-date the information is (e.g. that the publicly supported housing entity is taking active steps to maintain, update and improve the information).
- Pro-active outreach to widen the pool of participating rental housing providers, including both owners of individual residences and larger rental management companies.

### **Siting selection policies, practices and decisions for publicly supported housing**

*(Disability and Access; Publicly Supported Housing)*

The term “siting selection” refers here to the placement of new publicly supported housing developments. Placement of new housing refers to new construction or acquisition with rehabilitation of previously unsubsidized housing. State and local policies, practices, and decisions can significantly affect the location of new publicly supported housing. Local policies, practices, and decisions that may influence where developments are sited include, but are not limited to, local funding approval processes, zoning and land use laws, local approval of LIHTC applications, and donations of land and other municipal contributions. For example, for LIHTC developments, the priorities and requirements set out in the governing Qualified Allocation Plan (QAP) influence where developments are located through significant provisions in QAPs such as local veto or support requirements and criteria and points awarded for project location.

### **Source of income discrimination**

*(Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs); Disability and Access; Publicly Supported Housing)*

The term “source of income discrimination” refers here to the refusal by a housing provider to accept tenants based on type of income. This type of discrimination often occurs against individuals receiving assistance payments such as Supplemental Security Income (SSI) or other disability income (such as SSDI), social security or other retirement income, or tenant-based rental assistance, including Housing Choice Vouchers. Source of income discrimination may significantly limit fair housing choice for individuals with certain protected characteristics. The elimination of source of income discrimination and the acceptance of payment for housing, regardless of source or type of income, increases fair housing choice and access to opportunity. Additionally, some jurisdictions have laws that protect against source of income discrimination and the acceptance of payment for housing regardless of the source or type of income. Having such legislation and enforcement of such legislation may increase fair housing choice and access to opportunity. Other efforts to increase fair housing choice could include outreach and actions to increase participation in the Housing Choice Voucher program. Examples of these outreach and actions may include, demonstrating effective business or administrative processes, such as expediting inspections or the use of innovative practices such as repair funds or security deposit assistance.

Some service areas require additional inspections, licenses, permits, paperwork, etc. for landlords hoping to rent to voucher holders. Some service areas also maintain stricter regulations on Section 8 landlords than market rate landlords or place restrictions on the number of vouchers that can be used in a given area.

**State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, and other integrated settings**

*(Disability and Access)*

State and local laws, policies, or practices may discourage individuals with disabilities from moving to or being placed in integrated settings. Such laws, policies, or practices may include medical assistance or social service programs that require individuals to reside in institutional or other segregated settings in order to receive services, a lack of supportive services or affordable, accessible housing, or a lack of access to transportation, education, or jobs that would enable persons with disabilities to live in integrated, community-based settings.

**Unresolved violations of fair housing or civil rights laws**

*(Fair Housing Enforcement)*

Unresolved violations of fair housing and civil rights laws include determinations or adjudications of a violation or relevant laws that have not been settled or remedied. This includes determinations of housing discrimination by an agency, court, or Administrative Law Judge; findings of noncompliance by HUD or state or local agencies; and noncompliance with fair housing settlement agreements.