



AFFH FACT SHEET: THE FAIR HOUSING PLANNING PROCESS UNDER THE AFFH RULE

Pursuant to its authority under the Fair Housing Act, HUD has long directed program participants to undertake an assessment of fair housing issues—previously under the Analysis of Impediments (AI) approach, and following the effective date of the AFFH rule, under the new Assessment of Fair Housing (AFH) approach.¹ See [80 Fed. Reg. 42283](#) (July 16, 2015).

The AFFH rule is a fair housing planning rule—the rule clarifies existing fair housing obligations for HUD program participants to analyze their fair housing landscape and set locally-determined fair housing priorities and goals through AFH. The regulations establish specific requirements for the development and submission of an AFH by program participants and the incorporation and implementation of the strategies and goals set in the AFH into subsequent planning documents, including consolidated plans and PHA Plans, in a manner that connects housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing.

FAIR HOUSING ISSUES, CONTRIBUTING FACTORS, AND GOALS

The approach established by the AFFH rule is designed to improve the fair housing planning process by providing data and greater clarity of the steps that program participants must undertake to assess fair housing issues and contributing factors, establish fair housing priorities and goals to address them, and take meaningful actions to ultimately affirmatively further fair housing. The AFFH rule defines the terms fair housing issue, contributing factor, and meaningful actions as follows:

FAIR HOUSING ISSUE: “means a condition in a program participants geographic area of analysis that restricts fair housing choice or access to opportunity, and includes such conditions as ongoing local or regional segregation or lack of integration, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, disproportionate housing needs, and evidence of discrimination or violations of civil rights law or regulations related to housing.” See 24 C.F.R. § 5.152

CONTRIBUTING FACTOR: “means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues. Goals in an AFH are designed to overcome one or more contributing factors and related fair housing issues as provided in § 5.154.” See 24 C.F.R. § 5.152.

MEANINGFUL ACTIONS: “means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.” See 24 C.F.R. § 5.152.

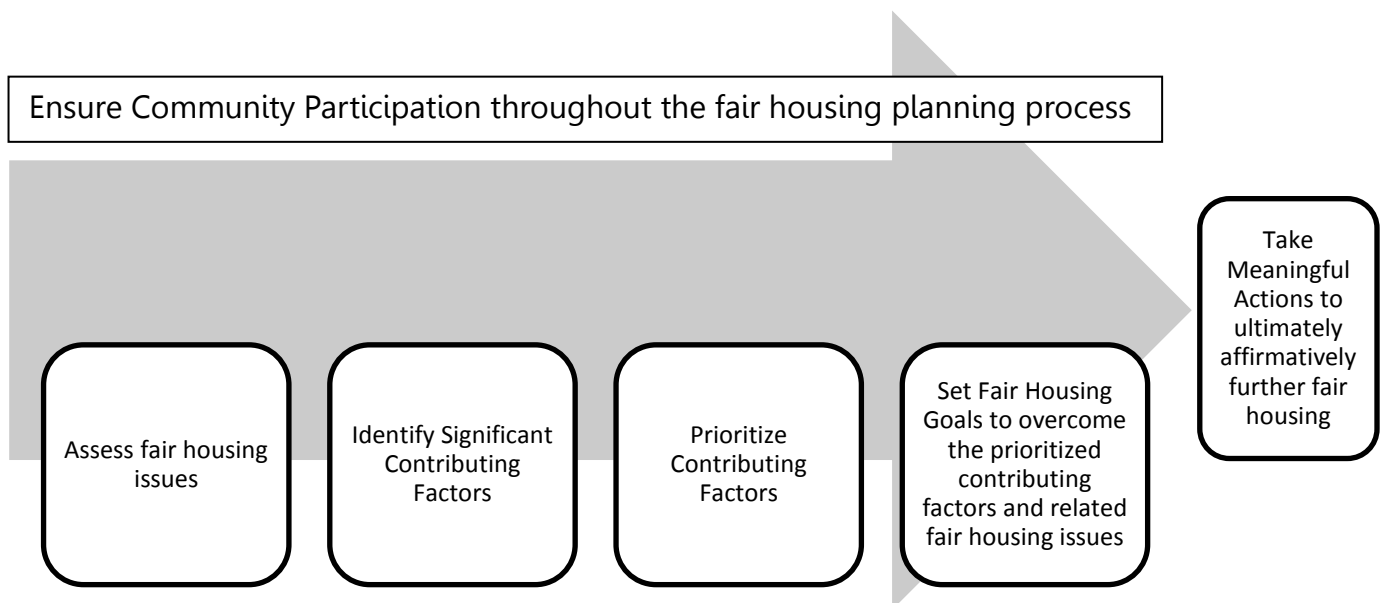
FAIR HOUSING PLANNING UNDER THE AFFH RULE

The intent of fair housing planning is to help program participants determine whether policies, practices, programs, and activities restrict fair housing choice and access to opportunity, and, if so, assess what factors are contributing to these barriers, and then develop a plan for addressing these restrictions. See 80 Fed. Reg. 42283 (July 16, 2015).

¹ Please note that “program participants” refers to the entities specified in § 5.154(b) of the AFFH rule (i.e., jurisdictions and insular areas that are required to submit consolidated plans and public housing agencies (PHAs) receiving assistance under sections 8 or 9 of the United States Housing Act of 1937).

The fair housing planning process that program participants must undertake includes:

- 1. Ensure Community Participation.** To ensure the AFH is informed by meaningful community participation, program participants must give the public reasonable opportunities for involvement throughout the AFH planning process, including in the development of the AFH and in the incorporation of the AFH into subsequent planning documents. See 24 C.F.R. § 5.158 and the Community Participation Fact Sheets.
- 2. Assess Fair Housing Issues.** Identify and discuss the fair housing issues affecting those protected under the Fair Housing Act, based on an assessment of HUD-provided data, local data, and local knowledge. See 24 C.F.R. § 5.154. These fair housing issues include, among others:
 - Ongoing local or regional segregation or lack of integration based on race, color, religion, sex, familial status, national origin, and disability within the jurisdiction and region;
 - Racially or ethnically concentrated areas of poverty (R/ECAPs) within the jurisdiction and region;
 - Significant disparities in access to opportunity for any protected class within the jurisdiction and region; and
 - Disproportionate housing needs for any protected class within the jurisdiction and region.
- 3. Identify Contributing Factors.** Identify significant contributing factors for the fair housing issues of segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, disproportionate housing needs, and fair housing issues related to publicly supported housing, disability and access, and fair housing enforcement, outreach capacity, and resources. See 24 C.F.R. § 5.154(d)(3).
- 4. Prioritize Contributing Factors.** Prioritize such factors and justify the prioritization. In prioritizing such factors, program participants shall give 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. See 24 C.F.R. § 5.154(d)(4).
- 5. Set Fair Housing Goals.** Set goals for overcoming the effects of contributing factors. For each goal, a program participant must identify one or more contributing factors that the goal is designed to address, describe how the overall goal relates to overcoming the identified contributing factor(s) and related fair housing issue(s), and identify the metrics and milestones for determining what fair housing results will be achieved. See 24 C.F.R. § 5.154(d)(4). To implement goals and priorities set in an AFH, strategies and action shall be included in program participants Consolidated Plans, Annual Action Plans, and PHA Plans (as applicable). See 24 C.F.R. §§ 5.152 and 5.154.



FAIR HOUSING GOALS LEAD TO STRATEGIES, ACTIONS, AND FAIR HOUSING OUTCOMES

The AFFH rule affords program participants considerable choice and flexibility in formulating goals and priorities to achieve fair housing outcomes. While the fair housing outcomes will vary based on local context and decision making, the fair housing planning process outlined above, in the AFFH rule, and within the AFH must be followed. Fair housing goals must be contained in the AFH; must include metrics, milestones, and timeframe for achievement; and must be explicitly incorporated into subsequent planning documents. Strategies and actions to implement the goals shall be included in the program participant's subsequent planning documents. This means that strategies and actions consistent with the goals contained in the AFH must be stated in the Consolidated Plan, PHA plan, and Annual Action Plans. Incorporating fair housing goals into these existing planning processes, which, in turn, incorporate fair housing strategies, actions, and priorities into housing and community development decision making promotes achieving fair housing outcomes. See 80 Fed. Reg. 42273 (July 16, 2015).

Take Meaningful Action. Using the goals set in the AFH, the program participant must take meaningful actions to affirmatively further fair housing. Taking meaningful actions means taking significant actions that are designed and can reasonably be expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. See 24 C.F.R. § 5.152. Ultimately, program participants must take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.

The outcomes that HUD seeks from this rule are those intended by the Fair Housing Act—overcoming historic patterns of segregation, promoting fair housing choice, and fostering inclusive communities that are free from discrimination. See 80 Fed. Reg. 42348 (July 16, 2015). HUD is not mandating specific outcomes for the planning process. See 80 Fed. Reg. 42288 (July 16, 2015). Instead, recognizing the importance of local decision making, the new AFH process establishes basic parameters and helps guide public sector housing and community development planning and investment decisions to fulfill the obligation to affirmatively further fair housing. See 80 Fed. Reg. 42288 (July 16, 2015).