

AFFH FACT SHEET: TRANSITIONING TO THE NEW AFFH PROCESS GUIDANCE FOR CONSOLIDATED PLAN PROGRAM PARTICIPANTS¹



WHEN IS THE FIRST ASSESSMENT OF FAIR HOUSING (AFH) DUE?

The due date for Consolidated Plan program participants Assessment of Fair Housing (AFH) is generally based on its Consolidated Plan cycle. In general, the AFH Due Date is calculated as:

- For local governments that received over \$500,000 in CDBG funds in FY2015,² the first AFH will be due 270 days prior to the program year that begins on or after January 1, 2017 for which a new 3-5 year Consolidated Plan is due.
- For all other program participants (including States, Insular areas, and local governments that received \$500,00 or less in FY2015 CDBG), the due date will be 270 days prior to the program year that begins on or after January 1, 2018 for which a new 3-5 year Consolidated Plan is due.

HUD has provided an infographic to help outline the timeline for a Consolidated Plan program participants due date for the first AFH, based on the regulatory requirement at 24 CFR § 5.160.

EXCEPTIONS TO AFH DUE DATES:

1. **Recently Completed Regional Analysis of Impediments (RAI):** A program participants is not subject to the deadline pursuant to 24 CFR § 5.160(a) if it has completed a HUD-approved RAI in accordance with a grant awarded under HUD's FY 2010 or 2011 Sustainable Communities Regional Planning Grant Competition and submitted the RAI within 30 months prior to the date when the program participant's AFH would otherwise be due. A Consolidated Plan program participant meeting this condition will instead submit its first AFH as part of its next cycle.
2. **New Program Participants:** For new program participants that have not submitted a Consolidated Plan as of August 17, 2015, HUD will provide a deadline for submission of its first AFH.
3. **Joint and Regional AFHs:** Joint participants or regionally collaborating participants must select a lead entity. In this case, the due date for all such participants will be the due date for the designated lead entity. See 24 CFR § 5.156 and HUD's guidance titled, "How Program Participants Can Collaborate on their AFH Submission" for additional information on joint and regional submissions.
4. **Availability of Assessment Tool:** The Final Rule allows HUD flexibility in setting a later initial due date in the event that an Assessment Tool has not been issued for effect. In such an event, HUD will specify a deadline extension that will not be less than 9 months from the date of publication of the applicable Assessment Tool.

¹ Public housing agencies (PHAs) are also required to submit AFHs pursuant to the AFFH rule. PHA requirements will be covered in other guidance documents.

² Note for HOME Consortia: If a member of a HOME consortium is an entitlement jurisdiction that exceeds the \$500,000 CDBG threshold, the consortia should follow this first deadline. A consortium that either does not have include an entitlement jurisdiction, or whose associated entitlement jurisdictions does not meet the threshold, should follow the second deadline.

WHAT IS THE STATUS OF THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AI)?

Consolidated Plan program participants must comply with ongoing obligations to affirmatively further fair housing. In addition, until a program participant has submitted its first AFH, it will continue to provide the AFFH Consolidated Plan certification in accordance with the regulations that existed prior to August 17, 2015. See 24 CFR § 5.160(3). As such, program participants shall continue to maintain an up-to-date AI in accordance with the [Fair Housing Planning Guide](#), take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions. For Consolidated Plan program participants that are starting a new 3-5 year Consolidated Plan cycle that begins before the due date for an AFH or for Consolidated Plan program participants that otherwise have old or out-of-date AIs, the AI should continue to be updated in accordance with the Fair Housing Planning Guide until the Consolidated Plan program participant converts to the new AFFH process.

PREPARING FOR THE NEW AFFH PROCESS

In anticipation of the first AFH, there are a few things Consolidated Plan program participants will need to do prior to the start of the development of the AFH:

AMENDING THE CITIZEN PARTICIPATION PLAN

The AFFH rule includes new community participation requirements for the AFH and applies existing citizen participation requirements to the AFH (see 24 CFR § 5.158). Consolidated Plan program participants will need to amend their Citizen Participation Plans to comply with provisions of the new Part 5 and Part 91. This must be completed before starting the AFH. As a reminder, Consolidated Plan program participants must provide the public an opportunity to comment on any substantial amendments to the Citizen Participation Plan, and must make the Citizen Participation Plan public.

REACHING OUT TO PUBLIC HOUSING AGENCIES (PHAs) AND NEIGHBORING JURISDICTIONS

Consolidated Plan program participants are encouraged to work with PHAs and neighboring jurisdictions to conduct and submit an AFH. Not only do many fair housing issues cross jurisdictional boundaries, but all program participants will be required to conduct a regional analysis whether or not they choose to work with regional partners. Working regionally may help program participants ensure that their goals are consistent and collaborative, thereby making their goals more likely to be effective. Furthermore, there may be cost savings and less duplication of effort by working with partners.

The rule provides flexibility to encourage such collaborations, including the alignment of planning processes. HUD will provide additional guidance and technical assistance to help program participants form these types of partnerships. Section 5.156 provides the regulatory requirements applicable to joint and regional AFHs, including provisions regarding collaborating outside of a Core-Based Statistical Area, notice to HUD of a program participant's intent to collaborate, and coordinating program years and submissions deadlines, among others. Program participants may wish to consider and engage with other entities ahead of time to coordinate in advance of AFH deadlines.

KEEPING UP WITH THE LATEST AFFH TOOLS AND GUIDANCE

Guidance and training information will continue to be updated on the [AFFH HUD Exchange website](#). Consolidated Plan program participants are encouraged to continue to check back for the latest updates and may use the Ask-A-Question feature to pose questions about the rule and its implementation. Additionally, Consolidated Plan program participants can comment on any future Assessment Tools or other documents HUD may publish for public comment through notice in the Federal Register.