

Assessment of Fair Housing Tool for Local Governments

Table of Contents

1	
2	
3	I. Cover Sheet
4	II. Executive Summary
5	III. Community Participation Process
6	IV. Assessment of Past Goals and Actions
7	V. Fair Housing Analysis
8	A. Demographic Summary
9	B. General Issues
10	i. Segregation/Integration
11	ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)
12	iii. Disparities in Access to Opportunity
13	iv. Disproportionate Housing Needs
14	C. Publicly Supported Housing Analysis
15	D. Disability and Access Analysis
16	E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis
17	F. 1,250 Unit or fewer PHA Insert (To be completed only if an eligible PHA collaborates with a
18	local government completing the main portion of this Assessment Tool)
19	G. \$500,000 or Less Local Government Insert (when a local government that meets the
20	specifications outlined in V(F) and VII(A) collaborates with another local government completing
21	the main portion of this Assessment Tool)
22	VI. Fair Housing Goals and Priorities
23	VII. Appendices and Instructions
24	A. Assessment of Fair Housing (AFH) Instructions
25	B. Appendix A – HUD-Provided Maps
26	C. Appendix B – HUD-Provided Tables
27	D. Appendix C – Descriptions of Potential Contributing Factors

1 E. Appendix D – Descriptions of Contributing Factors Applicable to the 1,250 Units or fewer PHA
2 Insert

3

1 **I. Cover Sheet**

2 1. Submission date:

3 2. Submitter name:

4 3. Type of submission (e.g., single program participant, joint submission):

5 4. Type of program participant(s) (e.g., consolidated plan participant, PHA):

6 5. For PHAs, Jurisdiction in which the program participant is located:

7 6. Submitter members (if applicable):

8 7. Sole or lead submitter contact information:

9 a. Name:

10 b. Title:

11 c. Department:

12 d. Street address:

13 e. City:

14 f. State:

15 g. Zip code:

16 8. Period covered by this assessment:

17 9. Initial, amended, or renewal AFH:

18 10. To the best of its knowledge and belief, the statements and information contained herein are true,
19 accurate, and complete and the program participant has developed this AFH in compliance with
20 the requirements of 24 C.F.R. §§ 5.150-5.180 or comparable replacement regulations of the
21 Department of Housing and Urban Development;

22
23 11. The program participant will take meaningful actions to further the goals identified in its AFH
24 conducted in accordance with the requirements in §§ 5.150 through 5.180 and 24 C.F.R. §§
25 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
26 applicable.
27

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

29

30

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

32

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

34

35

36 Comments

1 **II. Executive Summary**

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

4 **III. Community Participation Process**

- 5 1. Describe outreach activities undertaken to encourage and broaden meaningful community
6 participation in the AFH process, including the types of outreach activities and dates of
7 public hearings or meetings. Identify media outlets used and include a description of efforts
8 made to reach the public, including those representing populations that are typically
9 underrepresented in the planning process such as persons who reside in areas identified as
10 R/ECAPs, persons who are limited English proficient (LEP), and persons with disabilities.
11 Briefly explain how these communications were designed to reach the broadest audience
12 possible. For PHAs, identify your meetings with the Resident Advisory Board and other
13 resident outreach.

- 14 2. Provide a list of organizations consulted during the community participation process.

- 15 3. Describe whether the outreach activities elicited broad community participation during the
16 development of the AFH. If there was low participation, or low participation among
17 particular protected class groups, what additional steps might improve or increase
18 community participation in the future, including overall participation or among specific
19 protected class groups?

- 20 4. Summarize all comments obtained in the community participation process. Include a
21 summary of any comments or views not accepted and the reasons why.

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

- 23 1. Indicate what fair housing goals were selected by program participant(s) in recent Analyses of
24 Impediments, Assessments of Fair Housing, or other relevant planning documents:
25
26 a. Discuss what progress has been made toward the achievement of fair housing goals.
27
28 b. Discuss how successful in achieving past goals, and/or how it has fallen short of achieving
29 those goals (including potentially harmful unintended consequences).
30
31 c. Discuss any additional policies, actions, or steps that the program participant could take to
32 achieve past goals, or mitigate the problems it has experienced.
33
34 d. Discuss how the experience of program participant(s) with past goals has influenced the
35 selection of current goals.

36 **V. Fair Housing Analysis**

37 **A. Demographic Summary**

- 38
39 1. Describe demographic patterns in the jurisdiction and region, and describe trends over time (since
40 1990).

1
2 **B. General Issues**

3
4 **i. Segregation/Integration**

5
6 **1. Analysis**

- 7
- 8 a. Describe and compare segregation levels in the jurisdiction and region. Identify the
9 racial/ethnic groups that experience the highest levels of segregation.
- 10
- 11 b. Identify areas in the jurisdiction and region with relatively high segregation and integration
12 by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living
13 in each area.
- 14
- 15 c. Explain how these segregation levels and patterns in the jurisdiction and region have changed
16 over time (since 1990).
- 17
- 18 d. Consider and describe the location of owner and renter occupied housing in the jurisdiction
19 and region in determining whether such housing is located in segregated or integrated areas,
20 and describe trends over time.
- 21
- 22 e. Discuss whether there are any demographic trends, policies, or practices that could lead to
23 higher segregation in the jurisdiction in the future. Participants should focus on patterns that
24 affect the jurisdiction and region rather than creating an inventory of local laws, policies, or
25 practices.

26
27 **2. Additional Information**

- 28
- 29 a. Beyond the HUD-provided data, provide additional relevant information, if any, about
30 segregation in the jurisdiction and region affecting groups with other protected
31 characteristics.
- 32
- 33 b. The program participant may also describe other information relevant to its assessment
34 of segregation, including activities such as place-based investments and geographic
35 mobility options for protected class groups.

36
37 **3. Contributing Factors of Segregation**

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

- 41
- 42 • Community opposition
 - 43 • Displacement of residents due to economic pressures
 - 44 • Lack of community revitalization strategies
 - 45 • Lack of private investments in specific neighborhoods
 - 46 • Lack of public investments in specific neighborhoods, including services or amenities
 - 47 • Lack of regional cooperation
 - Land use and zoning laws

- 1 • Lending discrimination
- 2 • Location and type of affordable housing
- 3 • Loss of Affordable Housing
- 4 • Occupancy codes and restrictions
- 5 • Private discrimination
- 6 • Source of income discrimination
- 7 • Other

8
9 **ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)**

10 **1. Analysis**

- 11 a. Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction and
12 region.
- 13 b. Describe and identify the predominant protected classes residing in R/ECAPs in the
14 jurisdiction and region. How do these demographics of the R/ECAPs compare with the
15 demographics of the jurisdiction and region?
- 16 c. Describe how R/ECAPs have changed over time in the jurisdiction and region (since
17 1990).

18 **2. Additional Information**

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

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

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

- 29 • Community opposition
- 30 • Deteriorated and abandoned properties
- 31 • Displacement of residents due to economic pressures
- 32 • Lack of community revitalization strategies
- 33 • Lack of local or regional cooperation
- 34 • Lack of private investments in specific neighborhoods
- 35 • Lack of public investments in specific neighborhoods, including services or amenities
- 36 • Land use and zoning laws
- 37 • Location and type of affordable housing
- 38 • 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

- i. For the protected class groups HUD has provided data, describe any disparities in access to proficient schools in the jurisdiction and region.
- ii. 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.
- iii. 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

- i. 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.
- ii. 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.
- 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 employment.

c. Transportation

- i. 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.
- ii. 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.
- 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 transportation.

d. Access to Low Poverty Neighborhoods

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

10 **e. Access to Environmentally Healthy Neighborhoods**

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

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

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

27 **2. Additional Information**

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

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

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

- 4 • Access to financial services
- 5 • Availability, type, frequency, and reliability of public transportation
- 6 • Impediments to mobility
- 7 • Lack of access to opportunity due to high housing costs
- 8 • Lack of private investments in specific neighborhoods
- 9 • Lack of public investments in specific neighborhoods, including services or
- 10 amenities
- 11 • Lack of local or regional cooperation
- 12 • Land use and zoning laws
- 13 • Lending discrimination
- 14 • Location and type of affordable housing
- 15 • Location of employers
- 16 • Location of environmental health hazards
- 17 • Location of proficient schools and school assignment policies
- 18 • Loss of Affordable Housing
- 19 • Occupancy codes and restrictions
- 20 • Private discrimination
- 21 • Source of income discrimination
- 22 • Other

23
24 **iv. Disproportionate Housing Needs**

25 **1. Analysis**

- 26 a. Which protected class groups (by race/ethnicity and familial status) experience higher rates
- 27 of housing problems (cost burden, overcrowding, or substandard housing) when compared
- 28 to other groups for the jurisdiction and region? Which groups also experience higher rates
- 29 of severe housing cost burdens when compared to other groups?
- 30
- 31 b. Which areas in the jurisdiction and region experience the greatest housing burdens? Which
- 32 of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the
- 33 predominant race/ethnicity or national origin groups in such areas?
- 34
- 35 c. Compare the needs of families with children for housing units with two, and three or more
- 36 bedrooms with the available existing housing stock in each category of publicly supported
- 37 housing for the jurisdiction and region.
- 38
- 39 d. Describe the differences in rates of renter and owner occupied housing by race/ethnicity in
- the jurisdiction and region.

40 **2. Additional Information**

- 41 a. Beyond the HUD-provided data, provide additional relevant information, if any, about
- 42 disproportionate housing needs in the jurisdiction and region affecting groups with other
- 43 protected characteristics.

- 1 b. The program participant may also describe other information relevant to its assessment of
2 disproportionate housing needs. For PHAs, such information may include a PHA's
3 overriding housing needs analysis.

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

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

- 8 • Availability of affordable units in a range of sizes
- 9 • Displacement of residents due to economic pressures
- 10 • Displacement of and/or lack of housing support for victims of domestic violence, dating
11 violence, sexual assault, and stalking
- 12 • Lack of access to opportunity due to high housing costs
- 13 • Lack of private investments in specific neighborhoods
- 14 • Lack of public investments in specific neighborhoods, including services or amenities
- 15 • Land use and zoning laws
- 16 • Lending discrimination
- 17 • Loss of Affordable Housing
- 18 • Source of income discrimination
- 19 • Other

20
21 **C. Publicly Supported Housing Analysis**

22
23 **1. Analysis**

24
25 **a. Publicly Supported Housing Demographics**

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

40
41 **b. Publicly Supported Housing Location and Occupancy**

- 1 i. Describe patterns in the geographic location of publicly supported housing by
2 program category (public housing, project-based Section 8, Other Multifamily
3 Assisted developments, HCV, and LIHTC) in relation to previously discussed
4 segregated areas and R/ECAPs in the jurisdiction and region.
- 5 ii. Describe patterns in the geographic location for publicly supported housing that
6 primarily serves families with children, elderly persons, or persons with disabilities in
7 relation to previously discussed segregated areas or R/ECAPs in the jurisdiction and
8 region.
- 9 iii. How does the demographic composition of occupants of publicly supported housing in
10 R/ECAPS compare to the demographic composition of occupants of publicly
11 supported housing outside of R/ECAPs in the jurisdiction and region?
- 12 iv. (A) Do any developments of public housing, properties converted under the RAD, and
13 LIHTC developments have a significantly different demographic composition, in terms
14 of protected class, than other developments of the same category for the jurisdiction?
15 Describe how these developments differ.
- 16 (B) Provide additional relevant information, if any, about occupancy, by protected
17 class, in other types of publicly supported housing for the jurisdiction and region.
- 18 v. Compare the demographics of occupants of developments in the jurisdiction, for each
19 category of publicly supported housing (public housing, project-based Section 8, Other
20 Multifamily Assisted developments, properties converted under RAD, and LIHTC) to
21 the demographic composition of the areas in which they are located. For the
22 jurisdiction, describe whether developments that are primarily occupied by one
23 race/ethnicity are located in areas occupied largely by the same race/ethnicity.
24 Describe any differences for housing that primarily serves families with children,
25 elderly persons, or persons with disabilities.

26 **c. Disparities in Access to Opportunity**
27

- 28 i. Describe any disparities in access to opportunity for residents of publicly supported
29 housing in the jurisdiction and region, including within different program
30 categories (public housing, project-based Section 8, Other Multifamily Assisted
31 Developments, HCV, and LIHTC) and between types (housing primarily serving
32 families with children, elderly persons, and persons with disabilities) of publicly
33 supported housing.
34

35 **2. Additional Information**
36

- 37 a. Beyond the HUD-provided data, provide additional relevant information, if any, about
38 publicly supported housing in the jurisdiction and region, particularly information about
39 groups with other protected characteristics and about housing not captured in the HUD-
40 provided data.
41
- 42 b. The program participant may also describe other information relevant to its assessment of
43 publicly supported housing. Information may include relevant programs, actions, or
44 activities, such as tenant self-sufficiency, place-based investments, or geographic mobility
45 programs.

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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.

1 b. Describe the areas where affordable accessible housing units are located in the
2 jurisdiction and region. Do they align with R/ECAPs or other areas that are
3 segregated?

4 c. To what extent are persons with different disabilities able to access and live in the
5 different categories of publicly supported housing in the jurisdiction and region?

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

7 a. To what extent do persons with disabilities in or from the jurisdiction or region
8 reside in segregated or integrated settings?

9 b. Describe the range of options for persons with disabilities to access affordable
10 housing and supportive services in the jurisdiction and region.

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

12 a. To what extent are persons with disabilities able to access the following in the jurisdiction and
13 region? Identify major barriers faced concerning:
14

15 i. Government services and facilities

16 ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals)

17 iii. Transportation

18 iv. Proficient schools and educational programs

19 v. Jobs

20 b. Describe the processes that exist in the jurisdiction and region for persons with disabilities to
21 request and obtain reasonable accommodations and accessibility modifications to address the
22 barriers discussed above.

23 c. Describe any difficulties in achieving homeownership experienced by persons with
24 disabilities and by persons with different types of disabilities in the jurisdiction and region.
25
26

27 **5. Disproportionate Housing Needs**

28 a. Describe any disproportionate housing needs experienced by persons with disabilities and by
29 persons with certain types of disabilities in the jurisdiction and region.
30
31

32 **6. Additional Information**

33 a. Beyond the HUD-provided data, provide additional relevant information, if any, about
34 disability and access issues in the jurisdiction and region including those affecting persons
35 with disabilities with other protected characteristics.
36
37

38 b. The program participant may also describe other information relevant to its assessment of
39 disability and access issues.
40

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

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

- 8 • Access for persons with disabilities to proficient schools
- 9 • Access to publicly supported housing for persons with disabilities
- 10 • Access to transportation for persons with disabilities
- 11 • Inaccessible government facilities or services
- 12 • Inaccessible public or private infrastructure
- 13 • Lack of access to opportunity due to high housing costs
- 14 • Lack of affordable in-home or community-based supportive services
- 15 • Lack of affordable, accessible housing in range of unit sizes
- 16 • Lack of affordable, integrated housing for individuals who need supportive services
- 17 • Lack of assistance for housing accessibility modifications
- 18 • Lack of assistance for transitioning from institutional settings to integrated housing
- 19 • Lack of local or regional cooperation
- 20 • Land use and zoning laws
- 21 • Lending discrimination
- 22 • Location of accessible housing
- 23 • Loss of Affordable Housing
- 24 • Occupancy codes and restrictions
- 25 • Regulatory barriers to providing housing and supportive services for persons with
- 26 disabilities
- 27 • Source of income discrimination
- 28 • State or local laws, policies, or practices that discourage individuals with
- 29 disabilities from living in apartments, family homes, supportive housing, shared housing
- 30 and other integrated settings
- 31 • Other

32
33 **E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis**

- 34 1. List and summarize any of the following that have not been resolved:
 - 35 • A charge or letter of finding from HUD concerning a violation of a civil rights-related
 - 36 law;
 - 37 • A cause determination from a substantially equivalent state or local fair housing agency
 - 38 concerning a violation of a state or local fair housing law;
 - 39 • Any voluntary compliance agreements, conciliation agreements, or settlement agreements
 - 40 entered into with HUD or the Department of Justice;
 - 41 • A letter of findings issued by or lawsuit filed or joined by the Department of Justice
 - 42 alleging a pattern or practice or systemic violation of a fair housing or civil rights law;
 - 43 • A claim under the False Claims Act related to fair housing, nondiscrimination, or civil
 - 44 rights generally, including an alleged failure to affirmatively further fair housing; or

1 ○ A pending administrative complaints or lawsuits against the locality alleging fair housing
2 violations or discrimination.

3 2. Describe any state or local fair housing laws. What characteristics are protected under each law?

4 3. Identify any local and regional agencies and organizations that provide fair housing information,
5 outreach, and enforcement, including their capacity and the resources available to them.

6 4. **Additional Information**

7 a. Provide additional relevant information, if any, about fair housing enforcement, outreach
8 capacity, and resources in the jurisdiction and region.

9
10 b. The program participant may also include information relevant to programs, actions, or
11 activities to promote fair housing outcomes and capacity.

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

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

- 19
 - 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

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

27
28 *This section is only to be completed when a PHA with 1,250 or fewer combined public housing*
29 *units and housing choice vouchers partners with a Local Government, when the Local*
30 *Government is the lead entity in the joint or regional Assessment of Fair Housing. A*
31 *collaborating PHA's analysis of fair housing issues in its Assessment of Fair Housing may either*
32 *be conducted by using this section or sections V.A.-E. of the Assessment Tool for its service area*
33 *and region, along with all other sections in this Assessment Tool, and as directed by the questions*
34 *and instructions.*

35 1. **Demographics**

36
37 Describe demographic patterns in the PHA's service area (and region, if applicable). Explain how
38 demographic trends have changed over time.

40 2. **Segregation/Integration**

41

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

4
5 **3. R/ECAPs**

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

9
10
11 **4. Disparities in Access to Opportunity**

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

- 14 • Educational opportunities
- 15 • Employment opportunities
- 16 • Transportation opportunities
- 17 • Low poverty exposure opportunities
- 18 • Environmentally healthy neighborhood opportunities

19
20
21
22 **5. Disproportionate Housing Needs**

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

26
27
28 **6. Contributing Factors of Segregation, R/ECAPs, Disparities in Access to Opportunity, and**
29 **Disproportionate Housing Needs**

30
31 *Consider the factors listed that are generally applicable to Segregation, R/ECAPs, Disparities*
32 *in Access to Opportunity, and Disproportionate Housing Needs and any other factors affecting*
33 *the service area (and region, if applicable). Identify factors that significantly create, contribute*
34 *to, perpetuate, or increase the severity of one or more fair housing issues. For each*
35 *contributing factor that is significant, note which fair housing issue(s) the selected contributing*
36 *factor relates to.*

37
38 **Generally Applicable Contributing Factors (Segregation, R/ECAPs, Disparities in Access**
39 **to Opportunity, and Disproportionate Housing Needs)**

- 40 • Community opposition
- 41 • Displacement of residents due to economic pressures
- 42 • Lack of community revitalization strategies
- 43 • Lack of local or regional cooperation
- 44 • Lack of public and/or private investments in specific neighborhoods, including services
45 or amenities
- 46 • Lack of access to opportunity due to high housing costs
- 47 • Land use and zoning laws
- 48 • Location and type of affordable housing
- 49 • 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

- i. Describe the location of the PHA’s properties in relation to areas of segregation and R/ECAPs in the service area.
- ii. 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).
- iii. 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.
- iv. Describe the demographics, by protected class group, of each of the PHA’s publicly supported developments.

c. Disparities in Access to Opportunity

1 Describe any disparities in access to opportunity for residents of publicly supported
2 housing in the service area (and region, if applicable), including within different program
3 categories of publicly supported housing.
4

5 *d. Disproportionate Housing Needs*
6

- 7 i. Compare the demographics, including by protected class group, of the PHA's assisted
8 households to households in the service area with disproportionate housing needs in the
9 service area (and region, if applicable).
10
11 ii. Compare the needs of families with children in the PHA's service area (and region, if
12 applicable) for housing units with two, and three or more bedrooms, with the PHA's
13 available stock of assisted units.
14

15 *e. Policies and Practices*
16

17 Describe any policies and practices of the PHA and how they relate to fair housing choice
18 including:
19

- 20 • Access for persons with disabilities (e.g., processing of reasonable accommodation
21 requests, program access, and providing auxiliary aids and services necessary for
22 effective communication)
23 • Admissions policies, preferences, and housing designations (including grounds for denial
24 of admission, eviction, and subsidy termination)
25 • Affirmative marketing plan
26 • Comprehensive Community Revitalization Plans
27 • Meaningful access for persons with limited English proficiency (e.g., language assistance
28 plans, interpretation assistance, and translation of vital documents)
29 • Voucher mobility and portability policies and practices
30

31 *f. Questions on other categories of publicly supported housing*
32

33 Describe other publicly supported housing programs, if any, in the PHA's service area.
34 Identify the location by category of publicly supported housing in relation to areas of
35 segregation and R/ECAPs and the demographics of the households of each category of
36 publicly supported housing, by protected class in the service area (and region, if applicable).
37

38 *g. Contributing Factors of Publicly Supported Housing*
39

40 *Consider the listed factors and any other factors affecting the service area and region.*
41 *Identify factors that significantly create, contribute to, perpetuate, or increase the severity of*
42 *fair housing issues related to publicly supported housing, including Segregation, R/ECAPs,*
43 *Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each*
44 *contributing factor that is significant, note which fair housing issue(s) the selected*
45 *contributing factor relates to.*
46

- 47 • Admissions and occupancy policies and procedures, including preferences in publicly
48 supported housing
49 • Community opposition
50 • 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

- a. 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.
- b. 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.
- c. Describe to what extent persons with disabilities in the PHA’s service area (and region, if applicable) reside in segregated or integrated settings.
- d. 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

1
2 The PHA may also describe other information relevant to its assessment of fair housing.
3

4 **G. \$500,000 or Less Local Government Insert**
5

6 *This section is only to be completed when a local government that received a CDBG grant of*
7 *\$500,000 or less, including a HOME consortia whose members collectively received \$500,000 or*
8 *less in CDBG funds or whose members received no CDBG funds, in the most recent fiscal year*
9 *prior to the due date for the joint or regional AFH collaborates with a local government that*
10 *received a CDBG grant larger than \$500,000, including a HOME consortia whose members*
11 *collectively received more than \$500,000, in the most recent fiscal year prior to the due date for*
12 *the joint or region AFH (collectively, “\$500,000 or Less Local Government”) The \$500,000 or*
13 *less local government’s analysis of fair housing issues in its Assessment of Fair Housing may*
14 *either be conducted by using this section or sections V.A.-E. of the Assessment Tool for its*
15 *jurisdiction and region, along with all other sections in this Assessment Tool, and as directed by*
16 *the questions and instructions.*

17 **1. Demographics**
18

19 Describe demographic patterns in the jurisdiction (and region, if applicable). Explain how
20 demographic trends have changed over time?
21

22 **2. Segregation/Integration**
23

- 24 a. Describe any areas of segregation and integration in the jurisdiction (and region, if
25 applicable). Identify the protected class groups living in any such areas. Explain how areas
26 of segregation have changed over time.
27
- 28 b. Discuss whether there are any demographic trends, policies, or practices in the jurisdiction
29 and (and region, if applicable) that could lead to higher segregation in the future. Participants
30 should focus on patterns that affect the jurisdiction (and region, if applicable) rather than
31 creating an inventory of local laws, policies, or practices.
32

33 **3. R/ECAPs**
34

35 Describe the locations of R/ECAPs, if any, in the jurisdiction (and region, if applicable).
36 Identify the protected class groups living in R/ECAPs and describe how R/ECAPs have
37 changed over time.
38

39 **4. Disparities in Access to Opportunity**
40

41 Describe any disparities in access to the following opportunities for households in the
42 jurisdiction (and region, if applicable), based on protected class:
43

- 44 • Educational opportunities
45 • Employment opportunities
46 • Transportation opportunities
47 • Low poverty exposure opportunities
48 • Environmentally healthy neighborhood opportunities
49

1 **5. Disproportionate Housing Needs**

2
3 Describe which protected class groups in the jurisdiction (and region, if applicable) experience
4 higher rates of housing problems (housing cost burden, severe housing cost burden, substandard
5 housing conditions, and overcrowding).
6

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

9
10 *Consider the factors listed that are generally applicable to Segregation, R/ECAPs, Disparities*
11 *in Access to Opportunity, and Disproportionate Housing Needs and any other factors affecting*
12 *the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate,*
13 *or increase the severity of one or more fair housing issues. For each contributing factor that is*
14 *significant, note which fair housing issue(s) the selected contributing factor relates to.*
15

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

- 18
- 19 • Community opposition
 - 20 • Deteriorated and abandoned properties
 - 21 • Displacement of residents due to economic pressures
 - 22 • Lack of access to opportunity due to high housing costs
 - 23 • Lack of community revitalization strategies
 - 24 • Lack of local or regional cooperation
 - 25 • Lack of private investments in specific neighborhoods
 - 26 • Lack of public investments in specific neighborhoods, including services or amenities
 - 27 • Land use and zoning laws
 - 28 • Lending discrimination
 - 29 • Location and type of affordable housing
 - 30 • Occupancy codes and restrictions
 - 31 • Private discrimination
 - 32 • Source of income discrimination
 - 33 • Other

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

- 35
- 36 • Access to financial services
 - 37 • Availability, type, frequency, and reliability of public transportation
 - 38 • Impediments to mobility
 - 39 • Location of employers
 - 40 • Location of environmental health hazards
 - 41 • Location of proficient schools and school assignment policies
 - 42 • Other

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

- 44
- 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

- i. Describe the location of publicly supported housing in relation to areas of segregation and R/ECAPs in the jurisdiction (and region, if applicable).
- ii. 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.

- 1 • Admissions and occupancy policies and procedures, including preferences in publicly
- 2 supported housing
- 3 • Community opposition
- 4 • Displacement of residents due to economic pressures
- 5 • Displacement of and/or lack of housing support for victims of domestic violence, dating
- 6 violence, sexual assault, and stalking
- 7 • Impediments to mobility
- 8 • Lack of access to opportunity due to high housing costs
- 9 • Lack of meaningful language access
- 10 • Lack of local or regional cooperation
- 11 • Lack of public and private investment in specific neighborhoods, including services and
- 12 amenities
- 13 • Land use and zoning laws
- 14 • Loss of affordable housing
- 15 • Occupancy codes and restrictions
- 16 • Quality of affordable housing information programs
- 17 • Siting selection policies, practices and decisions for publicly supported housing,
- 18 including discretionary aspects of Qualified Allocation Plans and other programs
- 19 • Source of income discrimination
- 20 • Other

21 **8. Disability and Access**

- 22
- 23 a. Describe how persons with disabilities are geographically dispersed or concentrated in the
- 24 jurisdiction (and region, if applicable), including whether persons with disabilities reside in
- 25 R/ECAPs and other segregated areas identified previously, and describe whether these
- 26 geographic patterns vary for persons with each type of disability of persons with disabilities
- 27 in different age ranges.
- 28
- 29 b. Describe whether the jurisdiction (and region, if applicable) has sufficient affordable,
- 30 accessible housing in a range of unit sizes, describe the areas where affordable accessible
- 31 housing units are located, and identify to what extent persons with different disabilities are
- 32 able to access and live in the different categories of publicly supported housing.
- 33
- 34 c. Describe to what extent persons with disabilities in the jurisdiction (and region, if applicable)
- 35 reside in segregated or integrated settings.
- 36
- 37 d. Describe the processes that exist in the jurisdiction (and region, if applicable) for persons
- 38 with disabilities to request and obtain reasonable accommodations and accessibility
- 39 modifications to address any barriers faced in accessing government facilities, public
- 40 infrastructure, transportation, proficient schools and educational programs, and jobs.
- 41 e. Contributing Factors of Disability and Access

42 *Consider the listed factors and any other factors affecting the jurisdiction and region.*

43 *Identify factors that significantly create, contribute to, perpetuate, or increase the severity of*

44 *fair housing issues related to disability and access, including Segregation, R/ECAPs,*

45 *Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each*

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

47 *contributing factor relates to.*

48

- 1 • Access for persons with disabilities to proficient schools
- 2 • Access to publicly supported housing for persons with disabilities
- 3 • Access to transportation for persons with disabilities
- 4 • Inaccessible public or private infrastructure
- 5 • Lack of access to opportunity due to high housing costs
- 6 • Lack of affordable, accessible housing in range of unit sizes
- 7 • Lack of affordable in-home or community-based supportive services;
- 8 • Lack of affordable, integrated housing for individuals who need supportive services
- 9 • Lack of assistance for transitioning from institutional settings to integrated housing;
- 10 • Lack of local or regional cooperation
- 11 • Land use and zoning laws
- 12 • Lending discrimination
- 13 • Location of accessible housing
- 14 • Loss of Affordable Housing
- 15 • Occupancy codes and restrictions
- 16 • Regulatory barriers to providing housing and supportive services for persons with
- 17 disabilities
- 18 • Source of income discrimination
- 19 • State or local laws, policies, or practices that discourage or prohibit individuals with
- 20 disabilities from living in apartments, family homes, supportive housing, shared housing
- 21 and other integrated settings
- 22 • Other

23 **9. Fair Housing Enforcement**

- 24
- 25 a. Describe whether the program participant is currently the subject of any of the following:
- 26 • A charge or letter of finding from HUD concerning a violation of a civil rights-related
 - 27 law;
 - 28 • A cause determination from a substantially equivalent state or local fair housing agency
 - 29 concerning a violation of a state or local fair housing law, any voluntary compliance
 - 30 agreements, conciliation agreements, or settlement agreements entered into with HUD or
 - 31 the Department of Justice;
 - 32 • A letter of findings issued by or lawsuit filed or joined by the Department of Justice
 - 33 alleging a pattern or practice or systemic violation of a fair housing or civil rights law; or
 - 34 • A claim under the False Claims Act related to fair housing, nondiscrimination, or civil
 - 35 rights generally, including an alleged failure to affirmatively further fair housing.

36

37 b. Contributing Factors of Fair Housing Enforcement

38

39 *Consider the listed factors and any other factors affecting the jurisdiction and region.*

40 *Identify factors that significantly create, contribute to, perpetuate, or increase the severity of*

41 *fair housing issues related to fair housing enforcement, including Segregation, R/ECAPs,*

42 *Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each*

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

44 *contributing factor relates to.*

45

- 46 • Lack of local private fair housing outreach and enforcement
- 47 • Lack of local public fair housing enforcement
- 48 • Lack of resources for fair housing agencies and organizations

- 1 • Lack of state or local fair housing laws
- 2 • Unresolved violations of fair housing or civil rights law
- 3 • Other

4 **10. Additional Program Participant Information**

5
6 The program participant may also describe other information relevant to its assessment of fair
7 housing.

8
9 **VI. Fair Housing Goals and Priorities**

- 10
11 1. For each fair housing issue as analyzed in the Fair Housing Analysis section, prioritize the
12 identified contributing factors. Justify the prioritization of the contributing factors that will be
13 addressed by the goals set below in Question 2. Give the highest priority to those factors that
14 limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or
15 civil rights compliance.
- 16
17 2. For each fair housing issue with significant contributing factors identified in Question 1, set one
18 or more goals. Using the table below, explain how each goal is designed to overcome the
19 identified contributing factor and related fair housing issue(s). For goals designed to overcome
20 more than one fair housing issue, explain how the goal will overcome each issue and the related
21 contributing factors. For each goal, identify metrics and milestones for determining what fair
22 housing results will be achieved, and indicate the timeframe for achievement.

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

Assessment Tool Instructions

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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
1. Local governments (that receive CDBG, HOME, ESG or HOPWA funds) submitting an AFH alone 2. Joint or Regional Collaborations between: a. Only local governments b. One or more local governments with one or more PHAs	1. States and Insular Areas submitting alone 2. Joint or regional collaborations (with local governments and/or PHAs) where the State is designated as the lead entity 3. PHAs submitting alone 4. Joint collaborations among only PHAs

<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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1

2 If conducting a joint or regional AFH, program participants will submit a single AFH that covers
3 all program participants. The User Interface allows program participants to add other program
4 participants to the same Assessment. The “Add a Program Participant” page of the User Interface
5 provides a space to add Consolidated Plan or PHA Plan Program Participants to the Assessment.
6 More than one program participant can be added for joint or regional submission. Once program
7 participants are added to the Assessment, all program participants will be able to view and edit the
8 entire Assessment in the User Interface.

9 *HUD-Provided Data*

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

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

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

30 This Assessment Tool provides a structure for program participants to assess fair housing issues
31 that may be affecting their jurisdictions and regions. The HUD-provided data and the questions in
32 the Assessment Tool were developed to allow the program participant to match the necessary data,

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

1 maps and information with the questions, along with local data and local knowledge. Program
2 participants should use the HUD-provided data to understand the fair housing issues that may be
3 present in their jurisdictions and regions. Program participants have discretion, within the
4 requirements of the AFFH Rule, to analyze and interpret data and information, identify significant
5 contributing factors, and set goals and priorities using the Assessment Tools provided by HUD. As
6 more fully discussed in the guidance on HUD’s review of AFHs, HUD will consider local context
7 and the resources the program participant has available. For additional information on how HUD
8 will review AFHs, please refer to the Guidance on HUD’s Review of Assessments of Fair Housing,
9 available at [https://www.hudexchange.info/resources/documents/Guidance-on-HUDs-Review-of-](https://www.hudexchange.info/resources/documents/Guidance-on-HUDs-Review-of-Assessments-of-Fair-Housing-AFH.pdf)
10 [Assessments-of-Fair-Housing-AFH.pdf](https://www.hudexchange.info/resources/documents/Guidance-on-HUDs-Review-of-Assessments-of-Fair-Housing-AFH.pdf).

11 *Local Data, and Local Knowledge*

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

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

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

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

43
44 Program participants must use reasonable judgment in deciding what supplemental information
45 from among the numerous sources available would be most relevant to their analysis. HUD does
46 not expect program participants to hire statisticians or other consultants to locate and analyze all

1 possible sources of local data. Program participants are not generally expected to conduct primary
2 data gathering or analysis, or a quantitative impact evaluation requiring empirical research to
3 objectively determine causation. Note that, subject to the community participation, consultation
4 and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158, program participants are
5 required to consider information relevant to the jurisdiction or region submitted during the
6 community participation process, including recommendations of other data sources for program
7 participants to assess. Program participants are not required to incorporate all possible information
8 submitted or recommended to them in the community participation process, but they are required to
9 at least summarize and describe such comments and recommendations, including the reasons for
10 not including them. HUD is aware that many private organizations may wish to provide their own
11 analyses, which may include complex data and analysis. Program participants are not required to
12 expend extensive staff time or funding to corroborate or verify all such information.
13 Note, however, that program participants must comply with the requirements for local data and
14 local knowledge outlined in 24 C.F.R. § 5.152 and as discussed in these instructions.

15
16 When relying on local data or local knowledge, program participants are advised to provide the
17 information to HUD, to the extent available, by citing/linking to the source or uploading relevant
18 data (e.g., maps, tables, etc.) to the User Interface using the upload function in the “Supporting
19 Documents” menu. Program participants should be cautious to comply with all Privacy Act
20 requirements, as described above.

21
22 Where HUD has not provided data for a specific question and program participants do not have
23 local knowledge or local data that is relevant to answering the question and as otherwise outlined in
24 24 C.F.R. § 5.152, participants must note the lack of such available information. Program
25 participants should not leave the response blank.

26
27 Program participants are always encouraged to include additional information and context from
28 local data or local knowledge. Such additional supplementary information will not always require
29 identification of contributing factors and associated goals. Many issues that the program participant
30 may want to reference, for instance, may be outside of the agency’s scope of authority, but may still
31 be relevant to reference to provide a more comprehensive discussion of the overall local or regional
32 context. As such, the AFH can also serve as an information resource that can be referenced by the
33 community and other relevant organizations and entities in their own operations or planning.

34 35 *Contributing Factors*

36
37 In conducting the analysis, program participant must identify significant contributing factors in
38 each section of the analysis. When identifying contributing factors, each section of the analysis
39 contains a discrete list of suggested factors for consideration, which includes factors commonly
40 associated with that section of the analysis. The list contains an “other” option, for program
41 participants to use in identifying other significant contributing factors not included in the list. A
42 more exhaustive list of possible contributing factors is contained in Appendix C, which also
43 includes a description of each contributing factor. Program participants are permitted to include
44 contributing factors that are not listed in Appendix C.

45
46 A contributing factor may be outside the ability of program participants to directly control or
47 influence; however, such factors must be identified if they are significant. Identifying “external
48 factors” and barriers to achieving goals is, among other things, a useful planning and performance
49 management component. For example, a contributing factor may be beyond the political boundary
50 of the program participant—such as an environmental health hazard. In such cases, there may be
51 policy options or goals that a program participant can identify, while recognizing the limitations

1 involved—for example, promoting regional coordination by working with neighboring
2 jurisdictions to address those factors and related fair housing issues. Not all such contributing
3 factors will need to have a goal associated with them when they are “external factors” beyond the
4 control of the program participant.

5
6 For program participants submitting jointly, each program participant is responsible for identifying
7 contributing factors within its jurisdiction. These factors will be prioritized in Section VI and used
8 as a basis for establishing goals.

9
10 In addition to identifying contributing factors within the jurisdiction, program participants are
11 required to consider contributing factors for the region. However, these regional contributing
12 factors need only be identified when there is some connection or nexus between the fair housing
13 issue that has been identified in the region to the program participant’s own jurisdiction. For
14 example, the lack of affordable housing opportunities in either the jurisdiction or its region may be
15 affecting the living patterns of protected class groups.

16
17 HUD recognizes that some obstacles to fair housing choice may be outside the scope of the
18 program participants’ control. The analysis required by the AFH is to identify contributing factors
19 to fair housing issues as a means of better planning how to address the fair housing issues.
20 Program participants are required to identify those factors that significantly create, contribute to,
21 perpetuate, or increase the severity of one or more fair housing issues. However, program
22 participants are not required to conduct separate statistical or similar analyses to determine which
23 factors to identify and need only rely on the information considered in the community participation
24 process, assessment of past goals and actions, and fair housing analysis sections of the Assessment
25 Tool, including information obtained through the community participation process to meet its
26 obligations to identify contributing factors under the AFFH Rule.

27
28 Furthermore, program participants have flexibility in how they choose to prioritize significant
29 contributing factors, so long as they give highest priority to those factors that limit or deny fair
30 housing choice, access to opportunity, or negatively impact fair housing or civil rights compliance.
31 Once fair housing issues and contributing factors have been identified and prioritized, the program
32 participant has options in how to set goals for overcoming the effects of contributing factors and
33 related fair housing issues. Relevant considerations for doing so may include the resources, the
34 likely effectiveness of the policy options that are available to the program participant, and
35 collaborative goals among joint or regional partners. An objective of the AFFH Rule is to have
36 program participants consider all available means to address fair housing issues and contributing
37 factors that arise within their geographic area of analysis or impact their geographic area. It is
38 important to note that program participants are required to, “set goals for overcoming the effects of
39 contributing factors as prioritized,” in this process. It would be expected, therefore, that a “high
40 priority” contributing factor would have a corresponding goal established to overcome the effects
41 of that factor.

42
43 The Assessment Tool also contains the required analysis of fair housing issues and contributing
44 factors that program participants must undertake in order for an AFH to meet the requirements set
45 forth in 24 C.F.R. §§ 5.150 through 5.180. The content required in the AFH can be found at 24
46 C.F.R. § 5.154 and is outlined in the applicable Assessment Tool for each program participant.
47 However, please note that different program participants may work through the Assessment of Fair
48 Housing in different ways. Depending on each program participants’ familiarity with fair housing
49 planning and planning style, each program participant may choose to complete the required
50 components of an Assessment of Fair Housing in a variety of ways. For example, while the AFFH
51 rule requires that program participants identify significant contributing factors, prioritize such

1 factors, and justify the prioritization of the contributing factors that will be addressed in the
2 program participant’s fair housing goals, it does not specify a specific process for meeting these
3 requirements. Program participants may choose to complete the AFH in any order they choose, so
4 long as all requirements are met. Rather than follow the assessment tool in exact order, they may
5 choose to complete analysis of certain fair housing issues first and then consider contributing
6 factors. Some program participants may find this method more efficient. For example, some
7 contributing factors may be relevant for more than one fair housing issue.

8
9 **Part I: Cover Sheet with Certification**

10 Complete the cover sheet with all requested information. The official authorized representative of
11 each program participant must print their name, indicate which program participant they are
12 signing on behalf of, state their position with the program participant, and sign and date the
13 certification. In order to complete this document, download the document from the User Interface.
14 Once it has been completed and signed, upload the document to the “Supporting Documents” page
15 of the User Interface.

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

19 **Part II: Executive Summary**

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

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

28 **Part III: Community Participation Process**

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

38 Please note that for public housing agencies, community participation requirements are described
39 in 24 C.F.R. §§ 903.13, 903.15, 903.17, and 903.19. For consolidated plan program participants,
40 Citizen Participation requirements are described in 24 C.F.R. part 91. As required by applicable
41 regulations, program participants must ensure meeting are held in physically accessible locations,
42 provide appropriate auxiliary aids and services necessary to ensure effective communication with

1 individuals with disabilities, and provide limited English proficient persons meaningful access to
2 programs and services.

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

6 For question (2), provide a list of any organizations consulted during the community participation
7 process. For consolidated plan program participants, 24 C.F.R. § 5.158(a)(1), states that
8 consolidated plan program participants must follow the policies and procedures described in 24
9 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,
10 24 C.F.R. § 5.158(a)(2) states that PHAs must follow policies and procedures described in 24
11 C.F.R. part 903. Refer to the Affirmatively Furthering Fair Housing Rule Guidebook for additional
12 guidance.

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

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

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

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

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

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

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

37 **Part V: Fair Housing Analysis**

38 For all questions, program participants must use the HUD-provided data and supplement that
39 information with local data and local knowledge when it meets the criteria under 24 C.F.R. § 5.152
40 (described above). HUD-provided maps are located in Appendix A and HUD-provided tables are

1 located in Appendix B. When relying on local data or local knowledge, and that information is
2 contained in a document, report, map, or other tangible material, program participants should
3 provide such information to HUD through the User Interface using the upload function in the
4 “Supporting Documents” menu.

5 In general, HUD is providing data related to a program participant’s region at the Core Based
6 Statistical Area (CBSA) level (as defined by the Office of Management and Budget (OMB)) as a
7 way to provide a relative statistical benchmark for certain portions of the fair housing analysis. A
8 CBSA is made up of one or more counties that are part of a metropolitan or micropolitan area.² A
9 CBSA may cover a single county or more than one county and may cross state boundaries.³ OMB’s
10 guidance states that “This classification is intended to provide nationally consistent definitions for
11 collecting, tabulating, and publishing Federal statistics for a set of geographic areas.”⁴ OMB has
12 also offered guidance relating to program uses of the statistical area definition and explained that
13 CBSA delineations “should not serve as a general-purpose geographic framework for non-
14 statistical activities.” Because of this limitation of the CBSA level data, it may not always serve as
15 the most relevant reference point when conducting a fair housing analysis. For example, local data
16 and local knowledge may show fair housing issues not depicted at the CBSA level. The outer
17 bounds of a CBSA (e.g. in the case of a larger CBSA) may not always be relevant when viewing
18 regional maps. However, there may also be situations where relevant patterns related to the fair
19 housing analysis extend beyond the CBSA. When conducting a regional analysis, HUD does not
20 generally expect a program participant to conduct a neighborhood-by-neighborhood analysis of the
21 entire CBSA, but rather to use the maps as a contextual tool and to focus on the fair housing
22 patterns and trends in the region as they relate to fair housing choice.

23 When assessing tables that provide summary data at the regional level, distinct patterns across
24 multiple jurisdictions or service areas may not be apparent from the HUD provided data. For this
25 reason, program participants must also use local data or local knowledge outlined in 24 C.F.R. §
26 5.152 and discussed in the instructions above. Use of local data and local knowledge may allow
27 for a more refined fair housing analysis beyond that which may be conducted with the HUD-
28 provided data alone.

29
30 Where HUD has not provided data for a specific question in the Assessment Tool and program
31 participants do not have local data or local knowledge that would assist in answering the question,
32 program participants are expected to note this rather than leaving the question blank.

33 **A. Demographic Summary**

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

37 HUD is providing the following information for use in this section. Table 1 contains demographic
38 data for the jurisdiction and region. Table 1 includes the total population, 7 racial/ethnic groups,

² 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.

³ 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>.

⁴ OMB Bulletin No. 04-03, available at https://www.whitehouse.gov/omb/bulletins_fy04_b04-03.

1 the 10 most populous countries of origin, the 10 most common languages, disability by type, sex,
2 age, and families with children. Table 2 contains this demographic data, but displays trends for the
3 jurisdiction and region over time, including data from 1990, 2000, and 2010.

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

11 **B. Fair Housing Issue Analysis**

12 **i. Segregation/Integration**

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

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

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

35
36 In addition, dot density maps are provided showing the residential distribution of racial/ethnic,
37 national origin, and limited English proficient (LEP) populations in the jurisdiction and region. A
38 dot density map (also known as dot distribution map) uses a color-coded dot symbols representing
39 the presence of a specified number of individuals sharing a particular characteristic to show a
40 spatial pattern. The presence of residential segregation may appear as clusters of a single color of
41 dots representing one protected class, or as clusters of more than one color of dots representing a
42 number of protected classes but still excluding one or more protected classes. More integrated
43 areas will appear as a variety of colored dots.
44

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

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

27
28 Based on community participation and local data and local knowledge, program participants may
29 add local context to their analysis, such as whether there are communities with concentrations of
30 particular national origin, ethnic, or religious groups, as well as majority minority jurisdictions
31 where by definition there will be higher levels of minority populations.

32
33 For question 1(a) indicate whether the measures shown in Table 3 generally indicate that
34 segregation in the jurisdiction and region is low, moderate or high for each racial/ethnic group
35 represented in the table, and note which groups experience the highest levels of segregation for the
36 jurisdiction and region.

37
38 For question 1(b), refer to Maps 1, 3, and 4, to identify areas on the map that reveal clusters of
39 race/ethnicity, national origin, or LEP groups, and areas that the map indicates are particularly
40 segregated or integrated. In identifying those areas, and throughout the tool, use commonly used
41 neighborhood or area names.

42
43 For question (1)(c), refer to Table 3, which also provides dissimilarity index values for 1990, 2000,
44 and 2010. Note whether the dissimilarity index values have increased or decreased over time.
45 Increasing values may indicate increasing segregation, and decreasing values may indicate
46 decreasing segregation. Maps 1 and 2 provide residential living patterns by race/ethnicity over
47 time (1990, 2000, 2010) with dot density.

48
49 For question (1)(d), refer to Map 16, which shows the locations of owner occupied housing and
50 renter occupied housing in the jurisdiction and region. Note whether each type of housing is

1 located in segregated or integrated areas. Local data and local knowledge may also be particularly
2 useful in answering this question. Local data and local knowledge may also be particularly useful
3 in answering this question, including for the portion of the question relating to trends for
4 homeownership and rental housing over time. Include any geographic patterns in the location of
5 owner-occupied properties compared to renter-occupied properties over time. Program participants
6 may also describe trends in the availability of affordable housing in the jurisdiction and region for
7 that time period.

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

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

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

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

29 If the contributing factors identified are applicable to all program participants in a joint or regional
30 collaboration, indicate that they are applicable to all. If certain contributing factors are applicable
31 to only certain program participants in a joint or regional collaboration, note which program
32 participant the contributing factor relates to.⁵

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

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

⁵ 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.

1 proportion of each protected class group that live in R/ECAPs compared to the proportion of each
2 protected class that live in the jurisdiction outside of R/ECAPs or the jurisdiction as a whole.

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

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

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

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

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

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

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

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

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

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

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

26 **Using the Opportunity Maps and Indices**

27 Questions in this section rely on the Opportunity Indices in the HUD-provided data. Table 12
28 provides index values for the following opportunity indicator indices: Low Poverty; School
29 Proficiency; Labor Market Engagement; Jobs Proximity; Low Transportation Costs; Transit Trips
30 Index; and Environmental Health. The Opportunity Indices are provided by race/ethnicity,
31 including for income adjusted comparisons (i.e., households below the poverty line by
32 race/ethnicity). A higher value on each of the indices would indicate: higher levels of school
33 proficiency; higher levels of labor engagement; closer proximity to jobs; lower transportation costs;
34 better access to public transportation; lower neighborhood poverty rates; and greater neighborhood
35 environmental quality (i.e., lower exposure rates to harmful toxins). Using the indices provided,
36 program participants will be able to compare access to key opportunity assets with relative ease by
37 consulting a single table. The HUD-provided Opportunity Indices are based on specific national
38 data sources and program participants may find it useful to supplement these with additional local
39 data or local knowledge, including information obtained through the community participation
40 process.

41 For the questions that rely on the Opportunity Indices (Table 12), the HUD-provided data includes
42 information for protected class groups by race/ethnicity. For the questions that rely on the
43 Opportunity Maps (Maps 7-13), the HUD-provided data includes information on protected class
44 groups by race/ethnicity, national origin and familial status. There is one map for each Opportunity

1 Index. All of these maps also show R/ECAP boundaries and are provided for both the jurisdiction
2 and region. Darker shading on these maps generally indicates greater access to that opportunity
3 indicator.

4 Education

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

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

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

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

25 Employment

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

31 To answer questions (1)(b)(ii), refer to Maps 8 and 9. Maps 8 and 9 both show residency patterns
32 of racial/ethnic and national origin groups and families with children. Map 8 shows values for the
33 Jobs Proximity Index with shading at the neighborhood (census tract) level. Map 9 shows values
34 for the Labor Market Engagement Index with shading at the neighborhood (census tract) level.
35 Darker shaded tracts indicate a higher (better) value for the Index being used. Thus, darker shaded
36 tracts would indicate closer proximity to jobs or a higher level of "labor engagement" (employment
37 rate, labor-force participation rate, and percent of the population age 25 and above with at least a

⁶ 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

1 bachelor's degree) for the households living there. Lighter shaded tracts would show lower
2 (worse) index values for these index measures.

3 Transportation

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

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

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

22 Access to Low Poverty Neighborhoods

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

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

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

35 Access to Environmentally Healthy Neighborhoods

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

39 For question (1)(e)(ii), use Map 13, which shows residency patterns of racial/ethnic and national
40 origin groups and families with children. The map also shows values for the Environmental Health

1 Index with shading at the neighborhood (census tract) level indicating levels of exposure to
2 environmental health hazards for the jurisdiction and the region. To answer the question, examine
3 Map 13, by race/ethnicity, national origin, and familial status, to identify differences in exposure to
4 environmental health hazards by protected characteristic. In general, Map 13 may be more useful
5 in showing broader overall patterns, rather than in differences between individual neighborhoods.

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

10 Patterns in Disparities in Access to Opportunity

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

12 For question (1)(f)(ii), refer to the answers provided in questions (1)(a)-(e) identify areas that
13 experience high access and low access across multiple opportunity indicators. Include in the
14 response whether these areas align with previously identified patterns of segregation, integration,
15 and R/ECAPs for both the jurisdiction and the region. Program participants may also refer to Maps
16 7-13.

17 Additional Information

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

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

35 Disparities in Access to Opportunity: Contributing Factors

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

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

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

11 **iv. Disproportionate Housing Needs**

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

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

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

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

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

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

39 For question (1)(a), refer to Tables 9 and 10. Table 9 shows the number and percent of households
40 that are experiencing either 1) any of four housing problems; or 2) any of four severe housing
41 problems. Table 10 shows the number and percent of households experiencing severe housing cost

1 burden (usually the most common of nay of the severe housing problems. Table 10 depicts the
2 same data, but for those experiencing severe housing burdens.

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

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

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

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

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

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

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

1 **C. Publicly Supported Housing⁷ Analysis**

2 Data on publicly supported housing is grouped into five program categories: public housing;
3 project-based Section 8; Section 8 tenant-based Housing Choice Vouchers (HCV); Other
4 Multifamily housing (including Section 202 Supportive Housing for the Elderly and Section
5 811Supportive Housing for Persons with Disabilities); and Low-Income Housing Tax Credit
6 (LIHTC) housing. Relevant information may also include housing converted through the Rental
7 Assistance Demonstration (RAD), which may be analyzed as part of Housing Choice Vouchers.
8 HUD has included RAD as a separate category for two specific questions in this section for policy
9 reasons. Some tables and maps provided include information on some of the program categories
10 but not others based on availability of the data. Where a housing development includes more than
11 one category of publicly supported housing, this development is reported in data for each housing
12 category (e.g., project-based Section 8 combined with LIHTC). Note that other publicly supported
13 housing programs, for instance those funded through state and local programs or by other federal
14 agencies, such as USDA’s Rural Housing Service and the Veteran’s Administration, or other HUD
15 programs that are not covered in the HUD-provided data may be relevant to the analysis.
16

17 In answering questions related to Low Income Housing Tax Credits, program participants may
18 distinguish between different uses of LIHTC, including new construction and rehabilitation (which
19 may include the preservation of HUD assisted developments as long-term affordable housing) as
20 well as between four percent and nine percent LIHTC developments, which have different
21 selection criteria. Four percent LIHTCs may be awarded to developments that have received a
22 tax-exempt bond allocation, but may also be subject to threshold criteria in the State’s Qualified
23 Allocation Plan (QAP). Nine percent LIHTCs are competitively awarded and governed by the
24 QAP selection criteria. Distinguishing between how four percent and nine percent LIHTC
25 developments may be useful in understanding how they influence the location of new construction
26 of affordable housing and how they can be used to meet a wide variety of key policy objectives
27 consistent with fair housing requirements.
28

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

⁷ 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.

⁸ 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.

1 relating to the siting and occupancy of publicly supported housing may be particularly useful in
2 answering the questions in this section.

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

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

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

21 Publicly Supported Housing Demographics

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

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

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

33 Publicly Supported Housing Location and Occupancy

34 For questions (1)(b)(i) and (ii) refer to Map 5, which are race/ethnicity dot density maps with a
35 publicly supported housing overlay, including outlines of R/ECAPS. In Map 5, symbols
36 representing four categories of publicly supported housing indicate the location of a development
37 of that category of housing. Note that some developments may represent multiple buildings or
38 projects that are not necessarily located at the same address the symbol represents.⁹ Map 5 also

⁹ 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

1 contains a thematic map layer depicting the density of HCV usage by census tract. Darker shading
2 represents a heavier concentration of vouchers. Map 5 does not distinguish between developments
3 that serve families, elderly, or persons with disabilities; however, projects serving these populations
4 are often affected differently by laws, policies and practices, resulting in significantly different
5 siting patterns. Local knowledge may be particularly useful in answering this portion of the
6 question.

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

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

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

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

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

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

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

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

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

8 Publicly Supported Housing: Disparities in Access to Opportunity

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

19 Publicly Supported Housing: Additional Information

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

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

¹⁰ 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. .

1 community assets and organizations, including community development corporations, non-profits,
2 tenant organizations, community credit unions and community gardens.

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

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

13 **D. Disability and Access Analysis**

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

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

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

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

31 For questions (2)(b) HUD is unable to provide data at this time. Single-family housing is generally
32 not accessible to persons with disabilities unless state or local law requires it to be accessible or the
33 housing is part of a HUD-funded program or other program providing for accessibility features.
34 The Fair Housing Act requires that most multifamily properties built after 1991 meet federal
35 accessibility standards. As a result, multifamily housing built after this date, if built in compliance
36 with federal law would meet this minimum level of accessibility, while buildings built before this
37 date generally would not be accessible. The age of housing stock can be a useful measure in
38 answering this question. In addition, affordable housing subject to Section 504 of the
39 Rehabilitation Act must include a percentage of units accessible for individuals with physical
40 mobility impairments and units accessible for individuals with hearing or vision impairments. Map
41 5, which shows the location of four types of publicly supported housing, may also be useful in
42 answering this question.

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

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

13 Local data and local knowledge will likely be particularly useful in answering the questions in the
14 Disability and Access section. Sources of location data and local knowledge may include, among
15 others, data Centers for Medicare & Medicaid Services' data from the Money Follows the Person
16 demonstration or on persons with disabilities living in nursing facilities and intermediate care
17 facilities, HUD data on persons with disabilities experiencing homelessness, information provided
18 by individuals with disabilities, federally-funded independent living centers, state protection and
19 advocacy organizations, advocacy organizations representing the spectrum of disabilities, state
20 developmental disability councils and agencies, and state mental health/behavioral health agencies.
21 Topics for consideration may include the length of wait lists for accessible units in publicly
22 supported housing, availability of accessible units in non-publicly supported housing available to
23 HCV participants, whether public funding (e.g. CDBG funds) or tax credits are available for
24 reasonable modifications in rental units and/or for homeowners, whether accessible units are
25 occupied by households requiring accessibility features, and whether publicly supported housing is
26 in compliance with accessibility requirements.

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

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

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

41 Understanding the limitations of the HUD-provided data discussed above, complete question
42 (6)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial

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

1 status, national origin, or having a disability or a particular type of disability. HUD has provided
2 data for this section only on certain types of disabilities and for the ages of persons with
3 disabilities. Include any relevant information about other protected characteristics.

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

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

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

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

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

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

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

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

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

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

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

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

12
 13 When collaborating to submit a joint or regional AFH, program participants may divide work as
 14 they choose. However, this assessment tool provides a potential division of work local
 15 governments partnering with one or more PHAs.

16
 17 PHA may use either the PHA insert or the main portion of the assessment tool to analyze the
 18 PHA’s service area (and region, if applicable). The PHA insert is intended to reduce burden for
 19 PHAs by providing a streamlined set of questions for their service area. A PHA insert needs to be
 20 completed for each collaborating PHA. Additionally, for PHAs in the same CBSA as the Local
 21 Government acting as the lead entity for the collaboration, the lead entity’s analysis is expected to
 22 meet the requirements of the PHA’s region. However, answers need not be duplicated and the
 23 PHA can reference the applicable answer in the main Assessment Tool if the answer is also
 24 responsive to the PHA’s service area. For PHAs whose service area extends beyond, or is outside
 25 of, the lead entity’s CBSA, the analysis conducted using the insert must cover the PHA’s service
 26 area and region. For purposes of this Assessment Tool, the PHA region is defined as the CBSA if
 27 the PHA service area is within the CBSA. The language in the questions in this insert referring to
 28 “region, if applicable” is intended to apply to program participants whose service area extends
 29 beyond, or is outside of, the lead Local Government’s region.

30
 31 PHA Regional Analysis

32
 33 The following identifies the required regional analysis for PHAs in different geographic areas.
 34 There are multiple parts to this explanation: (1) a description of the service area, also known as the
 35 jurisdiction, of various size PHAs in terms of their authorized geographic operations; (2) a
 36 description of the PHA’s region for purposes of analysis under the AFFH rule; (3) a description of
 37 the HUD-provided data for the PHA’s applicable region; (4) instructions related to use of data and
 38 identification of fair housing issues and related contributing factors for different size PHAs; and (5)
 39 instructions related to rural PHAs, State PHAs, and PHAs in Insular Areas.

40

PHA Jurisdiction/Service Area	HUD-Provided Data for PHA Region
Metropolitan and Micropolitan (CBSA) PHAs: PHA jurisdiction/service area is located within a CBSA	Maps and Tables for the CBSA
Sub-County Rural (Non-CBSA) PHAs: 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.
County-Wide or Larger Rural (Non-CBSA) PHAs¹²: PHA jurisdiction/service area is outside of a CBSA and boundaries are consistent with the county or larger	Tables include data for all contiguous non-CBSA counties, in the same state, and inclusive of the PHA's county (or counties). 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.
Statewide PHAs: 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 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.¹³ A CBSA may cover a single county or more than one county and may cross state boundaries.¹⁴ 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."¹⁵ OMB has also offered guidance relating to program uses of the statistical area

¹² 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.

¹³ 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.

¹⁴ 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>.

¹⁵ OMB Bulletin No. 04-03, available at https://www.whitehouse.gov/omb/bulletins_fy04_b04-03.

1 definition and explained that CBSA delineations “should not serve as a general-purpose geographic
2 framework for non-statistical activities.”
3

4 Because of this limitation of the CBSA level data, it may not always serve as the most relevant
5 reference point when conducting a fair housing analysis. For example, local data and local
6 knowledge may show fair housing issues not depicted at the CBSA level. The outer bounds of a
7 CBSA (e.g. in the case of a larger CBSA) may not always be relevant when viewing regional maps.
8 There may also be situations where relevant patterns related to the fair housing analysis extend
9 beyond the CBSA. When conducting a regional analysis, HUD does not generally expect a
10 program participant to conduct a neighborhood-by-neighborhood analysis of the entire CBSA, but
11 rather to use the maps as a contextual tool and to focus on the fair housing patterns and trends in
12 the region as they relate to fair housing choice.
13

14 *Scope of the Regional Analysis in a CBSA* 15

16 This regional analysis may include a more detailed focus on the immediate jurisdictions
17 surrounding a PHA service area. The regional analysis informs goal-setting, which, while locally
18 determined based on the analysis, may include, among others, increasing efforts at tenant mobility
19 and HCV utilization or new construction or transfers of assistance to increase or target the supply
20 of rental housing in areas of opportunity and address fair housing issues inside and outside of the
21 PHA service area.
22

23 When assessing tables that provide summary data at the regional level, distinct patterns across
24 multiple jurisdictions or service areas may not be apparent from the HUD provided data. Use of
25 local data and local knowledge, including information obtained through community participation,
26 may allow for a more refined fair housing analysis beyond that which may be conducted with the
27 HUD-provided data alone. HUD recognizes this will require information sharing and or regional
28 collaboration among PHAs and local governments in a region. HUD will continue to encourage
29 program participants to share regional analysis and information among program participants in a
30 region.
31

32 Where HUD has not provided data for a specific question in the Assessment Tool and program
33 participants do not have local data or local knowledge that would assist in answering the question,
34 including information obtained through community participation, PHAs are expected to note this
35 rather than leaving the question blank.
36

37 In instances when a PHA must consider a regional analysis of a larger CBSA, using caution, PHAs
38 may use the AFH analyses of other local governments and PHAs to inform, but not substitute, their
39 regional analysis. The relevance of the analyses of other local governments and PHAs may
40 decrease in the outlying areas of a large CBSA region. However, understanding the broader
41 context of the CBSA region will be helpful to contextualize the fair housing issues affecting the
42 PHA’s jurisdiction, residential living patterns, demographics, fair housing issues, contributing
43 factors, and goal setting, which may include increased HCV mobility and portability efforts in this
44 regional area, among others. Such an analysis is particularly important for PHAs whose operations
45 may extend outside of the service area. For example, some service areas may be confined under
46 State or local law to particular geographies, but allow certain PHAs to site and operate
47 developments, or administer vouchers, within a certain number of miles outside of a particular
48 service area.
49

50 To provide more policy context, the regional analysis is intended to assist PHAs by informing each
51 of the primary steps in the AFH: analyzing fair housing issues, identifying contributing factors,

1 prioritizing contributing factors, and setting goals. PHAs will translate this analysis into locally
2 established goals and solutions to affirmatively further fair housing, which may involve, depending
3 on the context, mobility and place-based investments, and for collaborative and outreach goals that
4 address contributing factors within and outside of the service area. PHAs will implement the goals
5 through strategies and actions in the PHA 5-Year and Annual Plans, including any plans
6 incorporated therein.

7
8 *For PHAs located Outside of CBSAs: Rural PHAs*

9
10 For PHAs outside of CBSAs, i.e., rural PHAs, the size of the region for purposes of analysis under
11 the Assessment Tool and the HUD-provided data will vary.

12
13 For PHAs that are located outside of a CBSA with a service area that is smaller than a county, the
14 HUD-provided tables for the PHA's region will include the entire county. The HUD-provided
15 maps will allow for evaluation of fair housing issues and trends that extend into other counties.

16
17 HUD acknowledges that the data it is providing for these more rural areas has known limitations
18 and may not always provide a useful means of analyzing all relevant fair housing issues. For
19 instance, dot density maps may not always be useful for very small service areas (e.g., a town) or
20 for large geographic areas with low population density. Similarly, the tables may include protected
21 class groups with very low populations and this may affect the usefulness of some tables. It is still
22 important to note that protected class groups may still face fair housing issues, even with small
23 overall populations. Rural agencies, including 1,250 Unit or fewer PHAs, will often find their own
24 local data and local knowledge, as well as information obtained through community participation,
25 to be more relevant to their areas and for their program and policy considerations. For such PHAs,
26 local data and local knowledge, including information obtained through the community
27 participation process, may be particularly useful in completing their AFH.

28
29 Because of this limitation of rural data, particularly within larger rural counties, the HUD-provided
30 data may not always serve as the most relevant reference point when conducting a fair housing
31 analysis. For example, local data and local knowledge may show fair housing issues not depicted
32 at the regional level. The outer bounds of such rural counties may not always be relevant when
33 viewing regional maps. There may also be situations where relevant patterns related to the fair
34 housing analysis extend beyond such a region. When conducting a regional analysis, HUD does not
35 generally expect a program participant to conduct a neighborhood-by-neighborhood analysis of
36 large rural counties, but rather to use the maps as a contextual tool and to focus on the fair housing
37 patterns and trends in the region as they relate to fair housing choice.

38
39 For PHAs located outside of a CBSA with a service area whose boundary is consistent with the
40 county or statistically equivalent, or which extends into another county, the HUD-provided tables
41 will include all contiguous counties or statistically equivalents within the State in which the PHA is
42 located and including the counties in which the PHA operates. For those PHAs whose service area
43 is adjacent to the border with another State, the HUD-provided data will not always include tables
44 for the county or statistically equivalent beyond the PHA's own state, but will include maps that
45 extend beyond such areas to identify patterns and trends among fair housing issues that extend into
46 another state or broader geographic area. This regional analysis will cover adjacent counties that
47 border the PHA's service area in another State. Rental market supply, employment and labor
48 market issues, patterns of segregation, R/ECAPs, and other fair housing issues can affect the fair
49 housing issues in relation to the PHA's operations. In circumstances where a rural PHA borders a
50 state and where the regional geography in another State precludes travel into the service area
51 because of water, mountains, or other barriers without any passage, HUD does not expect such

1 PHAs to analyze the areas in the other state. For such PHAs, local data and local knowledge,
2 including information obtained through the community participation process, may be particularly
3 useful in completing their AFH.

4 5 *Statewide PHAs*

6
7 PHAs that have service areas consistent with the boundaries of the State have the same region as
8 the State, i.e., the regional analysis covers the State and areas that extend into another state or
9 broader geographic area. Such PHAs may submit an AFH either using this Assessment Tool or the
10 Assessment Tool designed for States.

11
12 For Statewide PHAs, the HUD-provided data will be provided for that State, and will include maps
13 for areas outside the State, but not tables. Consistent with the instructions for State program
14 participants using the assessment tool for States and Insular Areas, Statewide PHAs will need to
15 consider fair housing issues that extend beyond the State's borders, such as if areas of segregation
16 or R/ECAPs extend beyond the border into another state or if there are larger economic or
17 demographic trends affecting the PHA's service area. The HUD-provided maps may be useful to
18 view fair housing issues and patterns extending into other States. To conduct additional regional
19 analysis, these PHAs will need to rely on local data and local knowledge, including information
20 obtained through the community participation process.

21 22 *PHAs within Insular Areas*

23
24 There is limited nationally-uniform data available for Insular Areas. As such, there is limited
25 nationally-uniform data available for PHAs in Insular Areas. HUD notes some data limitations for
26 some sources of information used in the AFFH Data and Mapping Tool in relation to Insular Areas.
27 The American Community Survey, used for some maps and data elements, is not available for
28 Insular Areas. However, the 2010 Decennial Census along with HUD administrative data on
29 program activities and assisted housing residents are available. HUD anticipates that it will
30 improve the provision of data it will be providing for Insular Areas to assist them in assessing
31 demographic information to better inform local fair housing planning and decision-making.

32
33 In cases where data is unavailable, HUD expects that insular areas will consult local data and local
34 knowledge, including information obtained through community participation, when conducting its
35 AFH.

36
37 The AFFH rule requires all program participants to conduct a jurisdictional and regional analysis
38 when completing their AFHs. HUD acknowledges that portions of certain questions requiring a
39 regional analysis may not always be applicable to insular areas. Program participants in these areas
40 should, for instance, focus on demographic and economic trends affecting the fair housing issues in
41 their jurisdiction.

42 43 Demographics

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

48 Segregation/Integration

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

8 R/ECAPs

9 For question (3), refer to Maps 1, 2, 3, and 4, and Table 4. Maps 1 and 2 provide residential living
10 patterns by race/ethnicity, and Map 2 provides for how these patterns have changed between 1990,
11 2000, and 2010. Map 3 provides residential living patterns for national origin and Map 4 provides
12 residential living patterns for limited English proficient (LEP) individuals. These maps also contain
13 R/ECAP outlines. Table 4 contains the demographics of those living in R/ECAPs. Local data and
14 local knowledge, including information obtained through the community participation process, will
15 be particularly useful in answering the question. Program participants may refer to the instructions
16 for the R/ECAPs section of the main Assessment Tool for additional information related to the
17 maps and tables.

18 Disparities in Access to Opportunity

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

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

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

42 Disproportionate Housing Needs

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

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

11 Contributing Factors

12 PHAs must also identify any contributing factors for each fair housing issue assessed in the insert,
13 as well as establish individual goals in that section of the Assessment Tool.
14 The potential contributing factors listed in this section have been divided into factors that are likely
15 to be crosscutting across all fair housing issues, and other that are more likely to relate to a
16 particular fair housing issue. The lists are non-exhaustive and program participants may identify
17 any factor on any list or other factors not listed for a particular fair housing issue. To answer
18 question (6), consider the listed factors and identify any factors that significantly create, contribute
19 to, perpetuate, or increase the severity of one or more fair housing issues. Once identified, program
20 participants must specify which fair housing issue(s) the factor has been identified for.

21 Publicly Supported Housing

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

25 For question (7)(a), refer to Tables 17 and 18. Table 17 provides the demographics of the PHA’s
26 assisted households by race/ethnicity, families with children, elderly, and persons with disabilities.
27 Table 18 provides data by race/ethnicity for the PHA’s assisted households (public housing and
28 HCV), as well as the income-eligible and total population in the PHA’s service area. Local data
29 and local knowledge, including information obtained through the community participation process,
30 will be particularly useful in answering the question. Program participants may refer to the
31 instructions for the Demographics subsection of the Publicly Supported Housing section of the
32 main Assessment Tool for additional information related to the maps and tables.

33 For question (7)(b)(i), refer to Map 5. Map 5 includes the locations of publicly supported housing
34 properties in the service area, as well as a thematic layer showing the density of HCV usage by
35 census tract, where darker shading indicates a higher concentration of vouchers, overlaid by
36 race/ethnicity dot density. The Map 5 Query Tool allows sorting and exporting of census tract and
37 occupancy demographic data from Map 5 to generate a table for the categories of publicly
38 supported housing. PHAs may isolate their stock, and can generate a table using the Query Tool to

¹⁶ 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.

1 assist in this analysis. Local data and local knowledge, including information obtained through the
2 community participation process, will be particularly useful in answering the question. Program
3 participants may refer to the instructions for the Segregation and R/ECAPs subsection of the
4 Publicly Supported Housing section of the main Assessment Tool for additional information
5 related to the maps and tables.

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

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

18 For question (7)(c), refer to Map 5 and Maps 7-13. Map 5 provides information about where
19 publicly supported housing developments and HCVs are located in the services area, and Maps 7-
20 13 display the opportunity indices overlaid by dot density displaying race/ethnicity, national origin,
21 families with children, and the location of publicly supported housing. Local data and local
22 knowledge, including information obtained through the community participation process, will be
23 particularly useful in answering the question. Program participants may refer to the instructions for
24 the Disparities in Access to Opportunity subsection of the Publicly Supported Housing section of
25 the main Assessment Tool for additional information related to the maps and tables. Using the
26 HUD-provided maps, answer the questions by describing areas in the service area (and region, if
27 applicable) that have access to opportunity and identify any disparities in access to opportunity
28 based on protected class. Program participants should note whether the PHA's developments
29 and/or Housing Choice Vouchers, as applicable, are concentrated in areas that have greater or
30 lower access to opportunity indicators.

31 For questions (7)(d)(i) and (7)(d)(ii), refer to Tables 17 and 18 and the analysis conducted above
32 under "Disproportionate Housing Needs" (based on Tables 9,10 and 11). Tables 17 and 18 contain
33 demographic data for the PHA's assisted households. Table 9 provides the demographics of
34 households with disproportionate housing needs in the service area, Table 10 provides the
35 demographics of households with severe housing cost burden, and Table 11 provides information
36 on publicly supported housing by program category and the units by number of bedrooms, as well
37 as families with children. Local data and local knowledge, including information obtained through
38 the community participation process, will be particularly useful in answering the question.
39 Program participants may refer to the instructions for the Disproportionate Housing Needs
40 subsection of the Publicly Supported Housing section of the main Assessment Tool for additional
41 information related to the maps and tables.

42 The comparison of assisted households with Disproportionate Housing Needs in the service area
43 (and region, if applicable) may be used to inform the overriding housing needs analysis that is
44 required for the 5-Year PHA plan. The analysis can inform goals related to affirmative marketing,
45 interagency coordination, HCV policies on portability, shared waiting lists, as well as admissions

1 preferences and similar policies. However, please note that the disproportionate housing analysis in
2 this Assessment Tool seeks a fair housing analysis.

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

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

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

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

25 Disability and Access

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

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

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

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

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

7 Fair Housing Enforcement

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

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

18 Additional PHA Information

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

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

22 This section is only to be completed when either a local government that received a CDBG grant of
23 \$500,000 or less, including a HOME consortia whose members collectively received \$500,000 or
24 less in CDBG funds or whose members received no CDBG funds, in the most recent fiscal year
25 prior to the due date for the joint or regional AFH collaborates with a local government that
26 received a CDBG grant larger than \$500,000, including a HOME consortia whose members
27 collectively received more than \$500,000 in the most recent fiscal year prior to the due date for the
28 joint or region AFH (collectively, “\$500,000 or Less Local Government”) The \$500,000 or less
29 local government’s analysis of fair housing issues in its Assessment of Fair Housing may either be
30 conducted by using this section or sections V.A.-E. of the Assessment Tool for its jurisdiction and
31 region, along with all other sections in this Assessment Tool, and as directed by the questions and
32 instructions

33
34 For small program participants in the same CBSA as the lead Local Government, the analysis is
35 intended to meet the requirements of jurisdictional analysis while relying on the lead Local
36 Government to complete the regional analysis. For small program participants whose service area
37 extends beyond, or is outside of, the lead Local Government’s CBSA, the analysis must cover the
38 small program participant’s jurisdiction and region. Small program participants should refer to the
39 Contributing Factors listed in each section above and will have to identify Contributing Factors.
40 Small program participants must also identify any individual goals

41 When collaborating to submit a joint or regional AFH, program participants may divide work as
42 they choose. However, this assessment tool provides a potential division of work for a local
43 government that received a CDBG grant of \$500,000 or less, including a HOME consortia whose

1 members collectively received \$500,000 or less in CDBG funds or whose members received no
2 CDBG funds, in the most recent fiscal year prior to the due date for the joint or regional AFH
3 collaborates with a local government that received a CDBG grant larger than \$500,000, including a
4 HOME consortia whose members collectively received more than \$500,000, in the most recent
5 fiscal year prior to the due date for the joint or region AFH.

6
7 Program participants that collaborate with such local governments may use either this insert or the
8 main portion of the assessment tool to analyze the local government’s jurisdiction. This insert is
9 also intended to reduce burden for small program participants by providing a streamlined set of
10 questions for their jurisdiction. If the collaboration elects to this division of work, this insert needs
11 to be completed for each collaborating small program participant. Additionally, the regional
12 portion of the small program participant’s analysis is expected to be fulfilled by the lead entity’s
13 analysis of the entire CBSA, provided the local government’s region falls within the scope of
14 analysis conducted in the main portion of this assessment tool. For purposes of this assessment
15 tool, the small program participant’s region is defined as the CBSA, if the local government is
16 within the CBSA. The language in the questions in this insert referring to “region, if applicable” is
17 intended to apply to program participants whose service area extends beyond, or is outside of, the
18 lead Local Government’s region.

19
20 HUD is aware of the data limitations of the HUD-provided data, especially for rural areas, and for
21 small geographies such as those where many small program participants are often located. As
22 such, local data and local knowledge, including information gathered from community
23 participation, will be particularly useful in answering questions.

24
25 Where HUD has not provided data for a specific question in the Assessment Tool and program
26 participants do not have local data or local knowledge that would assist in answering the question,
27 program participants are expected to note this rather than leaving the question blank

28
29 This insert is offered only for the purposes of submitting the jurisdictional analysis of a small
30 program participant collaborating with a local government that receives more than \$500,000 in
31 CDBG funding. If the small program participant’s analysis does not meet the requirements of the
32 AFFH Rule, HUD may decide not to accept the AFH with respect to the small program participant,
33 while still accepting the AFH of the local government serving as the lead entity. By collaborating
34 with a small program participant, the local government that is serving as the lead entity is not
35 making itself responsible for carrying out the small program participant’s portion of the assessment
36 nor accountable for AFH goals that are specifically designated as small program participant goals,
37 unless the local government that is serving as the lead entity and the small program participant
38 have joint goals.

39
40 If the local government serving as the lead entity and the small program participant believe the
41 small program participant insert provided in this assessment tool is not beneficial for the purposes
42 of conducting the required analysis, they may exclude this set of questions from their analysis and
43 complete the questions in the main assessment tool instead for all program participant jurisdictions
44 and regions. All program participants are accountable for the analysis conducted at the
45 jurisdictional and regional level as well as any joint goals and priorities. Program participants are
46 also accountable for their individual analysis, goals, and priorities. (See § 5.156(a)(3).) For
47 example, in a regional collaboration involving two local governments and a small program
48 participant, the local government may conduct certain parts of the joint analysis and the small
49 program participants may conduct other parts, provided all necessary parts are completed. HUD
50 believes it is best left to the program participants in a joint or regional collaboration to decide how

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

3 Demographics

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

10 Segregation/Integration

11 For question (2)(a), refer to Maps 1, 2, 3 and 4. These maps are dot density maps by race/ethnicity,
12 national origin, and limited English proficiency (LEP). Map 2 contains data from 1990, 2000, and
13 2010 by race/ethnicity. Local data and local knowledge, including information obtained through
14 the community participation process, will be particularly useful in answering the question.
15 Program participants may refer to the instructions for the Segregation section of the main
16 assessment tool for additional information related to the maps and tables.

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

19 R/ECAPs

20 For question (3), refer to Maps 1, 2, 3, and 4, and Table 4. These maps are dot density maps by
21 race/ethnicity, national origin, and limited English proficiency (LEP). Map 2 contains data from
22 1990, 2000, and 2010 by race/ethnicity. Table 4 contains the demographics of those living in and
23 R/ECAPs. Local data and local knowledge, including information obtained through the
24 community participation process, will be particularly useful in answering the question. Program
25 participants may refer to the instructions for the R/ECAPs section of the main assessment tool for
26 additional information related to the maps and tables.

27 Disparities in Access to Opportunity

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

35 Disproportionate Housing Needs

36 For question (5), refer to Tables 9 and 10. Table 9 provides the demographics of households with
37 disproportionate housing needs in the service area and Table 10 provides the demographics of
38 households with severe housing cost burden. Local data and local knowledge, including
39 information obtained through the community participation process, will be particularly useful in
40 answering the question. Program participants may refer to the instructions for the Disproportionate

1 Housing Needs section of the main assessment tool for additional information related to the maps
2 and tables.

3 Contributing Factors

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

11 Publicly Supported Housing

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

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

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

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

1 For question (7)(c)(i), refer to Maps 7-13 and Table 12. Table 12 provides the opportunity indices
2 by race/ethnic and Maps 7-13 map the opportunity indices overlaid with dot density showing
3 residential living patterns by race/ethnicity, national origin, and families with children. Darker
4 shading on the maps indicates a higher value on the opportunity index representing greater access
5 to that opportunity indicator. Local data and local knowledge, including information obtained
6 through the community participation process, will be particularly useful in answering the question.
7 Program participants may refer to the instructions for the Disparities in Access to Opportunity
8 subsection of the Publicly Supported Housing section of the main assessment tool for additional
9 information related to the maps and tables.

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

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

26 Disability and Access

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

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

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

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

42 Identify all significant contributing factors (8)(e). Consider the non-exhaustive list of factors
43 provided, which are those most commonly associated with disability and access, and identify those

1 factors that significantly create, contribute to, perpetuate, or increase the severity of the fair
2 housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs
3 in relation to disability and access. For additional instructions on selecting contributing factors,
4 refer to the introduction of these instructions.

5 Fair Housing Enforcement

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

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

16 Additional Information

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

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

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

23 To answer question (1), use the contributing factors selected in prior sections and prioritize them,
24 as they apply to each program participant, including as identified in any inserts for smaller program
25 participants.¹⁷ In prioritizing contributing factors, program participants shall give the highest
26 priority to those factors that limit or deny fair housing choice or access to opportunity, or
27 negatively impact fair housing or civil rights compliance. Provide a justification for the
28 prioritization of the factors. Also describe the prioritization method used. For example, if using a
29 1 through 5 ranking system, identify whether 1 or 5 reflects the highest priority.

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

35 For question (2), set one or more goals to address each fair housing issue with significant
36 contributing factors. For each goal, program participants must identify one or more contributing
37 factors that the goal is designed to address, describe how the goal relates to overcoming the
38 identified contributing factor(s) and related fair housing issue, and identify metrics and milestones

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

1 for determining what fair housing results will be achieved. For instance, where segregation in a
2 development or geographic area is determined to be a fair housing issue, with at least one
3 significant contributing factor, HUD would expect the AFH to include one or more goals to reduce
4 the segregation. Additionally, in the case of a joint or regional AFH, the goals established can be
5 individual goals relating to a single program participant in the collaboration or joint goals among
6 some or all of the program participants in the collaboration. Whether goals are individual or joint,
7 each program participant in the collaboration must establish goals in accordance with the
8 requirements described above.

9 In answering question (2), use the table provided. Provide at least one goal addressing each fair
10 housing issue. In the “Goals” column, state the goal that is being set. In the “Contributing
11 Factors” column, identify the contributing factors the goal is designed to overcome. In the “Fair
12 Housing Issues” column, identify the related fair housing issues the goal is designed to address. In
13 the “Metrics and Milestones” column, identify the metrics and milestones program participants will
14 use for determining what fair housing results will be achieved and a timeframe for achievement.

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

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

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

37 Program participants should note that the strategies and actions, and the specifics of funding
38 decisions, subject to the consolidated plan, PHA plan, or other applicable planning process are not
39 required to be in the AFH. However, the goals set by program participants will factor into these
40 planning processes. These goals will form the basis for strategies and actions in the subsequent
41 planning documents. As stated in the regulatory text at 24 C.F.R. § 5.150, “a program participant’s
42 strategies and actions must affirmatively further fair housing and may include various activities,

¹⁸ 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.

1 such as developing affordable housing, and removing barriers to the development of such housing,
2 in areas of high opportunity; strategically enhancing access to opportunity, including through
3 targeted investment in neighborhood revitalization or stabilization; through preservation or
4 rehabilitation of existing affordable housing; promoting greater housing choice within or outside
5 areas of concentrated poverty and access to areas of high opportunity; and improving community
6 assets such as quality schools, employment, and transportation.” Goals addressing fair housing
7 choice may include, for example, enhanced geographic mobility options that afford access to areas
8 of high opportunity.

9 **Certification and Submission**

10 Please note, for a joint or regional AFH, each collaborating program participant must authorize a
11 representative to sign the certification on the program participant's behalf. In a joint or regional
12 AFH, when responding to each question, collaborating program participants may provide joint
13 analyses and individual analyses. The authorized representative of each program participant
14 certifies only to information the program participant provides individually or jointly in response to
15 each question in the assessment. The authorized representative does not certify for information
16 applicable only to other collaborating program participants' analyses, if any.

APPENDIX A – HUD-Provided Maps

- 1
- 2
- 3 **Map 1 Race/Ethnicity** – Current (2010) race/ethnicity dot density map for Jurisdiction
4 and Region with R/ECAPs
- 5 **Map 2 Race/Ethnicity Trends** – Current and past race/ethnicity dot density maps for
6 Jurisdiction and Region with R/ECAPs with time slider from 1990 to 2010
- 7 **Map 3 National Origin** – Current (2010) 5 most populous national origin groups dot
8 density map for Jurisdiction and Region with R/ECAPs
- 9 **Map 4 LEP** – Current (2010) LEP persons by 5 most populous languages dot density map
10 for Jurisdiction and Region with R/ECAPs
- 11 **Map 5 Publicly Supported Housing and Race/Ethnicity** – Housing Choice Voucher
12 thematic map overlaid with Public Housing, Project-Based Section 8, Other Multifamily,
13 and LIHTC locations with race/ethnicity dot density and R/ECAPs, distinguishing
14 categories of publicly supported housing by color, for the Jurisdiction and Region
- 15 **Map 6 Housing Burden**– Households experiencing one or more housing burdens in
16 Jurisdiction and Region with race/ethnicity, national origin, and families with children dot
17 density maps and R/ECAPs
- 18 **Map 7 Demographics and School Proficiency**¹⁹ – School proficiency thematic map for
19 Jurisdiction and Region with race/ethnicity, national origin, and familial status maps and
20 R/ECAPs
- 21 **Map 8 Demographics and Job Proximity** – Job proximity thematic map for Jurisdiction
22 and Region with race/ethnicity, national origin, and familial status maps and R/ECAPs
- 23 **Map 9 Demographics and Labor Market** – Labor engagement thematic map for
24 Jurisdiction and Region with race/ethnicity, national origin, and familial status maps and
25 R/ECAPs
- 26 **Map 10 Demographics and Transit Trips** – Transit proximity thematic map for
27 Jurisdiction and Region with race/ethnicity, national origin, and familial status maps and
28 R/ECAPs
- 29 **Map 11 Demographics and Low Transportation Costs** – Low transportation cost
30 thematic map for Jurisdiction and Region with race/ethnicity, national origin, and familial
31 status maps and R/ECAPs
- 32 **Map 12 Demographics and Poverty** – Low poverty thematic map for Jurisdiction and
33 Region with race/ethnicity, national origin, and familial status maps and R/ECAPs

¹⁹ 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.

- 1 **Map 13 Demographics and Environmental Health** – Environmental health thematic
2 map for Jurisdiction and Region with race/ethnicity, national origin, and familial status
3 maps with R/ECAPs
- 4 **Map 14 Disability by Type** – Population of persons with disabilities dot density map by
5 persons with vision, hearing, cognitive, ambulatory, self-care, and independent living
6 difficulties with R/ECAPs for Jurisdiction and Region
- 7 **Map 15 Disability by Age Group** – All persons with disabilities by age range (5-17; 18-
8 64; and 65+) dot density map with R/ECAPs for Jurisdiction and Region
- 9 **Map 16 – Housing Tenure** – Thematic map of percent of units occupied by homeowners
10 and thematic map of percent of units occupied by renters and R/ECAPs
- 11 **Maps Specifically for Use by PHAs**
- 12 **Map 17 – Location of Affordable Rental Housing (Percent of Rental Units Affordable**
13 **to 50% AMI)²⁰** – Thematic map of affordable rental units (defined as units renting at or
14 less than 30% of household income for a household at 50% AMI) with Housing Choice
15 Vouchers as dot density or symbol by census tract
- 16

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

APPENDIX B – HUD-Provided Tables

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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 Multifamily²¹ 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

²¹ 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.

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

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

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

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

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

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

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

19 **Tables Specifically for Use by PHAs**

20 **Table 17 – Demographics of PHA Assisted Households²²** – Data of the demographics by
21 race/ethnicity, families with children, and disability for a PHA’s assisted households for
22 the Service Area

23 **Table 18 – PHA Assisted Residents by Race/Ethnicity²³** – Data of the PHA’s assisted
24 residents by race/ethnicity with total population for the Service Area

25

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

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

1 **APPENDIX C – Contributing Factors Descriptions**

2
3 **Access to financial services**

4 *(Disparities in Access to Opportunity)*

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

18
19 **Access for persons with disabilities to proficient schools**

20 *(Disability and Access)*

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

36
37 **Access to publicly supported housing for persons with disabilities**

38 *(Disability and Access)*

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

1 The concept of “access” here also includes programmatic access, which implicates such policies as
2 application procedures, waitlist procedures, transfer procedures and reasonable accommodation
3 procedures.

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

5 *(Disability and Access)*

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

13 14 **Admissions and occupancy policies and procedures, including preferences in publicly** 15 **supported housing**

16 *(Publicly Supported Housing)*

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

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

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

36 *(Disproportionate Housing Needs)*

37 The provision of affordable housing is often important to individuals with certain protected
38 characteristics because groups are disproportionately represented among those who would benefit
39 from low-cost housing. What is “affordable” varies by circumstance, but an often used rule of
40 thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling
41 without spending more than 30 percent of its income. This contributing factor refers to the
42 availability of units that a low- or moderate-income family could rent or buy, including one-
43 bedroom units and multi-bedroom units for larger families. When considering availability,
44 consider transportation costs, school quality, and other important factors in housing choice.
45 Whether affordable units are available with a greater number of bedrooms and in a range of
46 different geographic locations may be a particular barrier facing families with children.
47

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

2 *(Disparities in Access to Opportunity)*

3 Public transportation is shared passenger transport service available for use by the general public,
4 including buses, light rail, and rapid transit. Public transportation includes paratransit services for
5 persons with disabilities. The availability, type, frequency, and reliability of public transportation
6 affect which households are connected to community assets and economic opportunities.

7 Transportation policies that are premised upon the use of a personal vehicle may impact public
8 transportation. “Availability” as used here includes geographic proximity, cost, safety and
9 accessibility, as well as whether the transportation connects individuals to places they need to go
10 such as jobs, schools, retail establishments, and healthcare. “Type” refers to method of
11 transportation such as bus or rail. “Frequency” refers to the interval at which the transportation
12 runs. “Reliability” includes such factors as an assessment of how often trips are late or delayed, the
13 frequency of outages, and whether the transportation functions in inclement weather.

14
15 **Community opposition**

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

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

28 **Deteriorated and abandoned properties**

29 *(R/ECAPS)*

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

40
41 **Displacement of and/or lack of housing support for victims of domestic violence, dating**
42 **violence, sexual assault, and stalking**

43 *(Disproportionate Housing Needs, Publicly Supported Housing)*

44 Federal laws, such as the Violence Against Women Act (VAWA) and the Fair Housing Act (FHA),
45 offer protections from housing discrimination to survivors of domestic violence, dating violence,
46 sexual assault, and stalking because of the abuse committed against them. Despite these safeguards,
47 many victims continue to experience adverse housing decisions made by housing providers due to
48 their status as victims. Though some states and local jurisdictions may have housing laws that are

1 designed to protect victims, many do not, which impedes victims' ability to access and maintain
2 their current housing as well as quickly find safe alternative housing. Local nuisance and crime-
3 free ordinances that punish victims of crime or who otherwise need emergency assistance can
4 violate federal and state civil rights laws.

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

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

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

17
18 **Impediments to mobility**

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

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

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

1 **Inaccessible public or private infrastructure**

2 *(Disability and Access)*

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

7 Inaccessibility is often manifest by the lack of curb cuts, lack of ramps, and the lack of audible
8 pedestrian signals. While the Americans with Disabilities Act and related civil rights laws
9 establish accessibility requirements for infrastructure, these laws do not apply everywhere and/or
10 may be inadequately enforced.

11 **Inaccessible government facilities or services**

12 *(Disability and Access)*

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

21
22 **Lack of access to opportunity due to high housing costs**

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

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

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

37 *(Disability and Access)*

38 What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or
39 moderate-income family can afford to rent or buy a decent-quality dwelling without spending more
40 than 30 percent of its income. For purposes of this assessment, “accessible housing” refers to
41 housing that accords individuals with disabilities equal opportunity to use and enjoy a dwelling.
42 Characteristics that affect accessibility may include physical accessibility of units and public and
43 common use areas of housing, as well as application procedures, such as first come first serve
44 waitlists, inaccessible websites or other technology, denial of access to individuals with assistance
45 animals, or lack of information about affordable accessible housing. The clustering of affordable,
46 accessible housing with a range of unit sizes may also limit fair housing choice for individuals with
47 disabilities.
48

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

2 *(Disability and Access)*

3 The term “in-home or community-based supportive services” refers here to medical and other
4 supportive services available for targeted populations, such as individuals with mental illnesses,
5 cognitive or developmental disabilities, and/or physical disabilities in their own home or
6 community (as opposed to in institutional settings). Such services include personal care, assistance
7 with housekeeping, transportation, in-home meal service, integrated adult day services and other
8 services (including, but not limited to, medical, social, education, transportation, housing,
9 nutritional, therapeutic, behavioral, psychiatric, nursing, personal care, and respite). They also
10 include assistance with activities of daily living such as bathing, dressing, eating, and using the
11 toilet, shopping, managing money or medications, and various household management activities,
12 such as doing laundry. Public entities must provide services to individuals with disabilities in
13 community settings rather than institutions when: 1) such services are appropriate to the needs of
14 the individual; 2) the affected persons do not oppose community-based treatment; and 3)
15 community-based services can be reasonably accommodated, taking into account the resources
16 available to the public entity and the needs of others who are receiving disability-related services
17 from the entity. Assessing the cost and availability of these services is also an important
18 consideration, including the role of state Medicaid agencies. The outreach of government entities
19 around the availability of community supports to persons with disabilities in institutions may
20 impact these individuals’ knowledge of such supports and their ability to transition to community-
21 based settings.

22
23 **Lack of affordable, integrated housing for individuals who need supportive services**

24 *(Disability and Access)*

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

44
45 **Lack of assistance for housing accessibility modifications**

46 *(Disability and Access)*

47 The term “housing accessibility modification” refers here to structural changes made to existing
48 premises, occupied or to be occupied by a person with a disability, in order to afford such person
49 full enjoyment and use of the premises. Housing accessibility modifications can include structural
50 changes to interiors and exteriors of dwellings and to common and public use areas. Under the Fair
51 Housing Act, landlords are required by fair housing laws to permit certain reasonable modifications

1 to a housing unit, but are not required to pay for the modification unless the housing provider is a
2 recipient of Federal financial assistance and therefore subject to Section 504 of the Rehabilitation
3 Act or is covered by the Americans with Disabilities Act (in such cases the recipient must pay for
4 the structural modification as a reasonable accommodation for an individual with disabilities).
5 However, the cost of these modifications can be prohibitively expensive. Jurisdictions may
6 consider establishing a modification fund to assist individuals with disabilities in paying for
7 modifications or providing assistance to individuals applying for grants to pay for modifications.
8

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

10 *(Disability and Access)*

11 The integration mandate of the ADA and *Olmstead v. L.C.*, 527 U.S. 581 (1999) (*Olmstead*)
12 compels states to offer community-based health care services and long-term services and supports
13 for individuals with disabilities who can live successfully in housing with access to those services
14 and supports. In practical terms, this means that states must find housing that enables them to
15 assist individuals with disabilities to transition out of institutions and other segregated settings and
16 into the most integrated setting appropriate to the needs of each individual with a disability. A
17 critical consideration in each state is the range of housing options available in the community for
18 individuals with disabilities and whether those options are largely limited to living with other
19 individuals with disabilities, or whether those options include substantial opportunities for
20 individuals with disabilities to live and interact with individuals without disabilities. For further
21 information on the obligation to provide integrated housing opportunities, please refer to HUD's
22 Statement on the Role of Housing in Accomplishing the Goals of *Olmstead*, the U.S. Department
23 of Justice's Statement on *Olmstead* Enforcement, as well as the U.S. Department of Health and
24 Human Services' Centers for Medicare and Medicaid Services final rule and regulations regarding
25 Home and Community-Based Setting requirements. Policies that perpetuate segregation may
26 include: inadequate community-based services; reimbursement and other policies that make needed
27 services unavailable to support individuals with disabilities in mainstream housing; conditioning
28 access to housing on willingness to receive supportive services; incentivizing the development or
29 rehabilitation of segregated settings. Policies or practices that promote community integration may
30 include: the administration of long-term State or locally-funded tenant-based rental assistance
31 programs; applying for funds under the Section 811 Project Rental Assistance Demonstration;
32 implementing special population preferences in the HCV and other programs; incentivizing the
33 development of integrated supportive housing through the LIHTC program; ordinances banning
34 housing discrimination on the basis of source of income; coordination between housing and
35 disability services agencies; increasing the availability of accessible public transportation.
36

37 **Lack of community revitalization strategies**

38 *(Segregation/Integration, R/ECAPs)*

39 The term "community revitalization strategies" refers here to realistic planned activities to improve
40 the quality of life in areas that lack public and private investment, services and amenities, have
41 significant deteriorated and abandoned properties, or other indicators of community distress.
42 Revitalization can include a range of activities such as improving housing, attracting private
43 investment, creating jobs, and expanding educational opportunities or providing links to other
44 community assets. Strategies may include such actions as rehabilitating housing; offering
45 economic incentives for housing developers/sponsors, businesses (for commercial and employment
46 opportunities), bankers, and other interested entities that assist in the revitalization effort; and
47 securing financial resources (public, for-profit, and nonprofit) from sources inside and outside the
48 jurisdiction to fund housing improvements, community facilities and services, and business
49 opportunities in neighborhoods in need of revitalization. When a community is being revitalized,
50 the preservation of affordable housing units can be a strategy to promote integration.
51

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

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

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

18
19 **Lack of local public fair housing enforcement**

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

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

26 **Lack of local or regional cooperation**

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

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

38
39 **Lack of meaningful language access for individuals with limited English proficiency**

40 *(Publicly Supported Housing)*

41 A limited English proficient (LEP) person is anyone, who due to national origin, does not speak
42 English as his/her primary language and who has a limited ability to read, write, speak, or
43 understand English, or who speaks English “less than very well.” Public housing agencies (PHAs)
44 and other federally-assisted housing providers have obligations under Title VI of the Civil Rights
45 of 1964 as well as other federal and related state legal authorities not to discriminate against
46 housing applicants and tenants who are LEP. Both HUD and USDA Rural Development have
47 issued LEP guidance outlining a series of steps that certain recipients of HUD and RD funding
48 should take to further Title VI compliance. These steps include conducting a four-factor analysis
49 to assess the need for language assistance; creating a language assistance plan based on the findings
50 of the four-factor analysis; translating document s(i.e., those documents necessary to ensure

1 meaningful access); and offering oral interpretation, if needed. HUD has further recognized the
2 relationship between national origin discrimination and limited English proficiency under the Fair
3 Housing Act through administrative enforcement. Therefore, private housing providers who
4 discriminate against prospective or existing tenants who are LEP on the basis of national origin
5 may violate the Fair Housing Act.

6
7 **Lack of private investment in specific neighborhoods**

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

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

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

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

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

37
38 **Lack of resources for fair housing agencies and organizations**

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

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

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

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

3 State and local fair housing laws are important to fair housing outcomes. Consider laws that are
4 comparable or “substantially equivalent” to the Fair Housing Act or other relevant federal laws
5 affecting fair housing laws, as well as those that include additional protections. Examples of state
6 and local laws affecting fair housing include legislation banning source of income discrimination,
7 protections for individuals based on sexual orientation, age, survivors of domestic violence, or
8 other characteristics, mandates to construct affordable housing, and site selection policies. Though
9 some states and local jurisdiction may have housing laws that are designed to protect survivors of
10 domestic violence, many do not, which impedes their ability to access and maintain their current
11 housing as well as quickly find safe alternative housing. Also consider changes to existing State or
12 local fair housing laws, including the proposed repeal or dilution of such legislation.
13

14 **Land use and zoning laws**

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

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

- 25 • Limits on multi-unit developments, which may include outright bans on multi-unit
26 developments or indirect limits such as height limits, limits on project scale and density,
27 and minimum parking requirements.
- 28 • Local nuisance ordinances designed to address the number of emergency services calls
29 resulting from, for example, assault, harassment, stalking, disorderly conduct, and many
30 other kinds of behavior, situations, or conditions that result in the need for emergency
31 services, that result in loss of housing or limit fair housing choice for victims of crime or
32 persons with disabilities.
- 33 • Minimum lot sizes, which require residences to be located on a certain minimum sized
34 area of land.
- 35 • Occupancy restrictions, which regulate how many persons may occupy a property and,
36 sometimes, the relationship between those persons (refer also to occupancy codes and
37 restrictions for further information).
- 38 • Lack of inclusionary zoning practices that mandate or incentivize the creation of
39 affordable units.
- 40 • Lack of support for development and preservation of affordable housing (may include
41 efforts for neighborhood stabilization, green building, transit oriented development, and
42 smart growth development)
- 43 • Requirements for special use permits for all multifamily properties or multifamily
44 properties serving individuals with disabilities, including group and nursing homes.
- 45 • Growth management ordinances.
- 46 • Provision of local financial resources, assistance with site selection, fee reductions or
47 waivers for affordable housing, reduction of administrative delays.
- 48 • 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

1 *(Disparities in Opportunity)*

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

6
7 **Location of environmental health hazards**

8 *(Disparities in Opportunity)*

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

18
19 **Location of proficient schools and school assignment policies**

20 *(Disparities in Opportunity)*

21 The geographic relationship of proficient schools to housing, and the policies that govern
22 attendance, are important components of fair housing choice. The quality of schools is often a
23 major factor in deciding where to live and school quality is also a key component of economic
24 mobility. Relevant factors to consider include whether proficient schools are clustered in a portion
25 of the jurisdiction or region, the range of housing opportunities close to proficient schools, and
26 whether the jurisdiction has policies that enable students to attend a school of choice regardless of
27 place of residence. Policies to consider include, but are not limited to: inter-district transfer
28 programs, limits on how many students from other areas a particular school will accept, and
29 enrollment lotteries that do not provide access for the majority of children.

30
31 **Location and type of affordable housing**

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

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

47
48 **Loss of Affordable Housing**

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

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

23 24 **Occupancy codes and restrictions**

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

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

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

43 **Private Discrimination**

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

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

1 may include: Refusal of housing providers to rent to individuals because of a protected
2 characteristic.

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

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

21 **Quality of affordable housing information programs**

22 *(Publicly Supported Housing)*

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

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

35 **Regulatory barriers to providing housing and supportive services for persons with disabilities**

36 *(Disability and Access)*

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

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

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

10 *(Publicly Supported Housing)*

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

21
22 **Source of income discrimination**

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

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

41
42 Some service areas require additional inspections, licenses, permits, paperwork, etc. for landlords
43 hoping to rent to voucher holders. Some service areas also maintain stricter regulations on Section
44 8 landlords than market rate landlords or place restrictions on the number of vouchers that can be
45 used in a given area.

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

48 *(Disability and Access)*

49 State and local laws, policies, or practices may discourage or prohibit individuals with disabilities

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

7
8 **Unresolved violations of fair housing or civil rights law**

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

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

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

17
18 **Access to financial services**

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

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

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

34 *(Disability and Access)*

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

1
2 **Access to publicly supported housing for persons with disabilities**

3 *(Disability and Access)*

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

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

18 *(Disability and Access)*

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

26
27 **Admissions and occupancy policies and procedures, including preferences in publicly**
28 **supported housing**

29 *(Disability and Access; Publicly Supported Housing)*

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

- 35 • Admissions preferences (e.g. residency preference, preferences for local workforce, etc.)
- 36 • Application, admissions, and waitlist policies (e.g. in-person application requirements,
37 rules regarding applicant acceptance or rejection of units, waitlist time limitations, first
38 come first serve, waitlist maintenance, etc.).
- 39 • Credit or criminal record policies.
- 40 • Designations of housing developments (or portions of developments) for the elderly and/or
41 persons with disabilities.
- 42 • Domestic Violence (displacement due to domestic violence, defined as actual or threatened
43 physical violence directed against another person, and accessibility to permanent
44 affordable housing is a crucial step toward safety and stability for domestic violence
45 survivors).
- 46 • Eviction policies and procedures.
- 47 • Housing providers’ policies for processing reasonable accommodations and modifications
48 requests Income thresholds for new admissions or for continued eligibility.
- 49 • Occupancy limits.

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

2 *(Additional Contributing Factors: Disproportionate Housing Needs)*

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

13
14 **Availability, type, frequency, and reliability of public transportation**

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

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

27 **Community opposition**

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

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

42
43 **Displacement of residents due to economic pressures**

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

46 The term “displacement” refers here to a resident’s undesired departure from a place where an
47 individual has been living. “Economic pressures” may include, but are not limited to, rising rents,
48 rising property taxes related to home prices, rehabilitation of existing structures, demolition of
49 subsidized housing, loss of affordability restrictions, and public and private investments in
50 neighborhoods. Such pressures can lead to loss of existing affordable housing in areas

1 experiencing rapid economic growth and a resulting loss of access to opportunity assets for lower
2 income families that previously lived there. Where displacement disproportionately affects persons
3 with certain protected characteristic, the displacement of residents due to economic pressures may
4 exacerbate patterns of residential segregation.

5 6 **Impediments to mobility**

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

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

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

25 26 **Impediments to Portability**

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

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

37 38 **Inaccessible public or private infrastructure**

39 *(Disability and Access)*

40 Many public buildings, sidewalks, pedestrian crossings, or other infrastructure components are
41 inaccessible to individuals with disabilities including persons with mobility impairments,
42 individuals who are deaf or hard of hearing, and persons who are blind or have low vision. These
43 accessibility issues can limit realistic housing choice for individuals with disabilities.
44 Inaccessibility is often manifest by the lack of curb cuts, lack of ramps, and the lack of audible
45 pedestrian signals. While the Americans with Disabilities Act and related civil rights laws
46 establish accessibility requirements for infrastructure, these laws do not apply everywhere and/or
47 may be inadequately enforced. Inaccessible government facilities and services may pose a barrier
48 to fair housing choice for individuals with disabilities by limiting access to important community
49 assets such as public meetings, social services, libraries, and recreational facilities. Note that the

1 concept of accessibility includes both physical access (including to websites and other forms of
2 communication) as well as policies and procedures. While the Americans with Disabilities Act and
3 related civil rights laws require that newly constructed and altered government facilities, as well as
4 programs and services, be accessible to individuals with disabilities, these laws may not apply in all
5 circumstances and/or may be inadequately enforced.

6
7 **Lack of access to opportunity due to high housing costs**

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

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

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

23 *(Disability and Access)*

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

34
35 **Lack of affordable in-home or community-based supportive services**

36 *(Disability and Access)*

37 The term “in-home or community-based supportive services” refers here to medical and other
38 supportive services available for targeted populations, such as individuals with mental illnesses,
39 cognitive or developmental disabilities, and/or physical disabilities in their own home or
40 community (as opposed to in institutional settings). Such services include personal care, assistance
41 with housekeeping, transportation, in-home meal service, integrated adult day services and other
42 services (including, but not limited to, medical, social, education, transportation, housing,
43 nutritional, therapeutic, behavioral, psychiatric, nursing, personal care, and respite). They also
44 include assistance with activities of daily living such as bathing, dressing, eating, and using the
45 toilet, shopping, managing money or medications, and various household management activities,
46 such as doing laundry. Public entities must provide services to individuals with disabilities in
47 community settings rather than institutions when: 1) such services are appropriate to the needs of
48 the individual; 2) the affected persons do not oppose community-based treatment; and 3)
49 community-based services can be reasonably accommodated, taking into account the resources
50 available to the public entity and the needs of others who are receiving disability-related services

1 from the entity. Assessing the cost and availability of these services is also an important
2 consideration, including the role of state Medicaid agencies. The outreach of government entities
3 around the availability of community supports to persons with disabilities in institutions may
4 impact these individuals’ knowledge of such supports and their ability to transition to community-
5 based settings.

6
7 **Lack of affordable, integrated housing for individuals who need supportive services**

8 *(Disability and Access)*

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

28
29 **Lack of assistance for transitioning from institutional settings to integrated housing**

30 *(Disability and Access)*

31 The integration mandate of the ADA and *Olmstead v. L.C.*, 527 U.S. 581 (1999) (*Olmstead*)
32 compels states to offer community-based health care services and long-term services and supports
33 for individuals with disabilities who can live successfully in housing with access to those services
34 and supports. In practical terms, this means that states must find housing that enables them to
35 assist individuals with disabilities to transition out of institutions and other segregated settings and
36 into the most integrated setting appropriate to the needs of each individual with a disability. A
37 critical consideration in each state is the range of housing options available in the community for
38 individuals with disabilities and whether those options are largely limited to living with other
39 individuals with disabilities, or whether those options include substantial opportunities for
40 individuals with disabilities to live and interact with individuals without disabilities. For further
41 information on the obligation to provide integrated housing opportunities, please refer to HUD’s
42 Statement on the Role of Housing in Accomplishing the Goals of *Olmstead*, the U.S. Department
43 of Justice’s Statement on *Olmstead* Enforcement, as well as the U.S. Department of Health and
44 Human Services’ Centers for Medicare and Medicaid Services final rule and regulations regarding
45 Home and Community-Based Setting requirements. Policies that perpetuate segregation may
46 include: inadequate community-based services; reimbursement and other policies that make needed
47 services unavailable to support individuals with disabilities in mainstream housing; conditioning
48 access to housing on willingness to receive supportive services; incentivizing the development or
49 rehabilitation of segregated settings. Policies or practices that promote community integration may
50 include: the administration of long-term State or locally-funded tenant-based rental assistance
51 programs; applying for funds under the Section 811 Project Rental Assistance Demonstration;

1 implementing special population preferences in the HCV and other programs; incentivizing the
2 development of integrated supportive housing through the LIHTC program; ordinances banning
3 housing discrimination on the basis of source of income; coordination between housing and
4 disability services agencies; increasing the availability of accessible public transportation.

5
6 **Lack of community revitalization strategies**

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

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

21
22 **Lack of job training programs**

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

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

27
28 **Lack of local or regional cooperation**

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

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

41
42 **Lack of local public and/or private fair housing outreach, enforcement, and/or resources**

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

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

1 organizations, education and outreach activities geared to the general public, advocacy campaigns,
2 fair housing testing and enforcement. Examples of activities, among others, private civil rights
3 organizations undertake may include: outreach, education, and training on fair housing issues such
4 as the appropriate application of arrest and criminal conviction records, credit policies, and prior
5 evictions, in leasing and lease termination decision making; and fair housing issues affecting
6 LGBT individuals, the application of any state or local law providing specific protection for such
7 individuals, as well as compliance with HUD regulations and guidance relating to such
8 individuals. A lack of resources may exacerbate barriers to public and private fair housing
9 outreach and enforcement. In particular, limited testing and other resources may undermine the
10 effectiveness of fair housing enforcement.

11
12 **Lack of meaningful language access**

13 *(Publicly Supported Housing)*

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

20
21 **Lack of public and private investment in specific neighborhoods, including services or**
22 **amenities**

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

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

37
38 The term “private investment” refers here to investment by non-governmental entities, such as
39 corporations, financial institutions, individuals, philanthropies, and non-profits, in housing and
40 community development infrastructure. Private investment can be used as a tool to advance fair
41 housing, through innovative strategies such as mixed-use developments, targeted investment, and
42 public-private partnerships. Private investments may include, but are not limited to: housing
43 construction or rehabilitation; investment in businesses; the creation of community amenities, such
44 as recreational facilities and providing social services; and economic development of the
45 neighborhoods that creates jobs and increase access to amenities such as grocery stores,
46 pharmacies, and banks. It should be noted that investment solely in housing construction or
47 rehabilitation in areas that lack other types of investment may perpetuate fair housing issues.
48 While “private investment” may include many types of investment, to achieve fair housing
49 outcomes such investments should be strategic and part of a comprehensive community
50 development strategy.

1
2
3 **Land use and zoning laws**

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

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

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

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

48 *(Disability and Access)*

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

17 **Location of accessible housing**

18 *(Disability and Access)*

19 The location of accessible housing can limit fair housing choice for individuals with disabilities.
20 For purposes of this assessment, accessible housing refers to housing opportunities in which
21 individuals with disabilities have equal opportunity to use and enjoy a dwelling. Characteristics
22 that affect accessibility may include physical accessibility of units and public and common use
23 areas of housing, as well as application procedures, such as first come first serve waitlists,
24 inaccessible websites or other technology, denial of access to individuals with assistance animals,
25 or lack of information about affordable accessible housing. Federal, state, and local laws apply
26 different accessibility requirements to housing. Generally speaking, multifamily housing built in
27 1991 or later must have accessibility features in units and in public and common use areas for
28 persons with disabilities in accordance with the requirements of the Fair Housing Act. Housing
29 built by recipients of Federal financial assistance or by, on behalf of, or through programs of public
30 entities must have accessibility features in units and in public and common use areas, but the level
31 of accessibility required may differ depending on when the housing was constructed or altered.
32 Single-family housing is generally not required to be accessible by Federal law, except
33 accessibility requirements typically apply to housing constructed or operated by a recipient of
34 Federal financial assistance or a public entity. State and local laws differ regarding accessibility
35 requirements. An approximation that may be useful in this assessment is that buildings built before
36 1992 tend not to be accessible.

37 **Location of employers**

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

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

43 **Location of environmental health hazards**

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

45 The geographic relationship of environmental health hazards to housing is an important component
46 of fair housing choice. When environmental health hazards are concentrated in particular areas,
47 neighborhood health and safety may be compromised and patterns of segregation entrenched.
48 Environmental issues affecting health can include access to safe and clean drinking water, soil

1 contamination, excessive air pollution, and indoor health hazards (lead based paint, radon, mold,
2 asbestos). Relevant factors to consider include the type and number of hazards, the degree of
3 concentration or dispersion (including in older housing stock), and health effects such as asthma,
4 cancer clusters, obesity, etc. Additionally, industrial siting policies and incentives for the location
5 of housing may be relevant to this factor.

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

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

8 The geographic relationship of proficient schools to housing, and the policies that govern
9 attendance, are important components of fair housing choice. The quality of schools is often a
10 major factor in deciding where to live and school quality is also a key component of economic
11 mobility. Relevant factors to consider include whether proficient schools are clustered in a portion
12 of the service area or region, the range of housing opportunities close to proficient schools, and
13 whether the PHA or local government has policies that enable students to attend a school of choice
14 regardless of place of residence. Policies to consider include, but are not limited to: inter-district
15 transfer programs, limits on how many students from other areas a particular school will accept,
16 and enrollment lotteries that do not provide access for the majority of children.

17 18 **Location and type of affordable housing**

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

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

37 **Loss of affordable housing**

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

40 The loss of existing affordable housing can limit the housing choices and exacerbate fair housing
41 issues affecting protected class groups. Affordable housing may be lost from the long-term stock
42 due to deterioration, abandonment, or conversion to more expensive housing types, especially in
43 sub-markets experiencing economic improvement. Buildings can leave the affordable inventory
44 through owner opt outs from project-based Section 8 contracts, maturing long-term mortgages and
45 expiration of use agreements (e.g. LIHTC at 15 or 30 years). Loss of this housing can affect
46 multiple fair housing issues. For example, loss of affordable housing can lead to reduced access to
47 areas with access to opportunity; displacement of protected class residents which may result in
48 increased levels of segregation; a decrease in availability of affordable units resulting in
49 disproportionate housing needs; or to disinvestment in segregated neighborhoods or R/ECAP

1 communities. Potential efforts to prevent loss of existing affordable housing can include funding
2 and indirect subsidies for rehabilitation and recapitalization to maintain physical structures,
3 refinancing, renewal and extension of affordable use agreements, conversion to alternative subsidy
4 types (e.g. Rental Assistance Demonstration), transfer of assistance to newer buildings or in
5 alternative locations (e.g. PBRA Transfer Authority), and incentives for owners to maintain
6 affordability (e.g. property tax abatement). Similarly, such efforts can also include addressing
7 backlogs of repairs and maintaining the infrastructure of existing affordable housing, including
8 publicly supported housing, such as through modernization or other improvements, when such
9 efforts are part of concerted housing preservation and community revitalization efforts designed to
10 affirmatively further fair housing. Efforts to prevent the loss of affordable housing can be part of a
11 balanced approach to affirmatively further fair housing consistent with the Rule and HUD
12 Guidance.

13 **Occupancy codes and restrictions**

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

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

- 21 • Occupancy codes with “persons per square foot” standards.
- 22 • Occupancy codes with “bedrooms per persons” standards.
- 23 • Restrictions on number of unrelated individuals in a definition of “family.”
- 24 • Restrictions on occupancy to one family in single family housing along with a restricted
25 definition of “family.”
- 26 • Restrictions that directly or indirectly affect occupancy based on national origin, religion,
27 or any other protected characteristic.
- 28 • Restrictions on where voucher holders can live.
- 29

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

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

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

40
41 HUD approval is required for exception payment standards. PHAs may propose using Small area
42 FMRs, which vary by zip code, in the determination of potential exception payment standards. A
43 PHA's policies regarding the use of exception payment standards and small area FMRs may affect
44 the extent to which HCV-assisted households may be able to find housing in different
45 neighborhoods with varying rents. HUD also recognizes that setting the basic payment standard
46 between 90 and 110 percent of FMR involves important policy and financial considerations,
47 including the total number of families served, success and leasing rates and the need to avoid

1 displacement of existing families. Additionally, low FMRs and payment standards in costly
2 rental markets can prohibit mobility and portability

3 4 **Private Discrimination**

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

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

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

27
28 Discrimination may also occur where there is a lack of or failure to enforce State or local fair
29 housing laws, including laws that are comparable or “substantially equivalent” to the Fair Housing
30 Act or other relevant federal laws affecting fair housing, including laws with additional protections.
31 Examples include legislation banning source of income discrimination, protections for individuals
32 based on sexual orientation, age, survivors of domestic violence, or other characteristics, mandates
33 to construct affordable housing, and site selection policies. Though some states and local
34 jurisdictions may have housing laws that are designed to protect survivors of domestic violence,
35 many do not, which impedes the survivors’ ability to access and maintain their current housing as
36 well as quickly find safe alternative housing. Also consider changes to existing State or local fair
37 housing laws, including the proposed repeal or dilution of such legislation.
38

39 **Quality of affordable housing information programs**

40 *(Publicly Supported Housing)*

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

- 47 • How comprehensive the information is (e.g. that the information provided includes a
48 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,

1 accessible housing, or a lack of access to transportation, education, or jobs that would enable
2 persons with disabilities to live in integrated, community-based settings.

3
4 **Unresolved violations of fair housing or civil rights laws**

5 *(Fair Housing Enforcement)*

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