DIGITAL RESOURCE MANUAL: AFFH 101

AFFIRMATIVELY FURTHERING FAIR HOUSING

Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. This obligation to affirmatively further fair housing has been in the Fair Housing Act since 1968 (for further information see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608 and Executive Order 12892).

Key Point

AFFH is designed to improve community planning to overcome impediments to fair housing.

In 2015, HUD released the AFFH Final Rule, significantly revising its Fair Housing requirements and creating a new report called the Assessment of Fair Housing (AFH). The AFH used GIS mapping and data analysis to uncover fair housing needs such as patterns of integration and separation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs.

In 2018, HUD withdrew its AFFH Final Rule, reverting to its original requirement that grantees submit an Analysis of Impediments (AI). GLO is responsible (along with other state agencies) for carrying out the work of the State of Texas' AI, since GLO receives and disburses CDBG-DR funding. GLO reviews all subrecipient CDBG-DR applications (i.e. infrastructure, buyout applications) from a Fair Housing perspective and submits an AFFH report to subrecipients. Subrecipients do not have ongoing AFFH reporting requirements, but are expected to comply with recommendations in AFFH reports in preparation for monitoring visits.

Analysis: AFFH Rule

What it Means?

- HUD's AFFH rule provides a planning approach to help states and local communities take meaningful actions to overcome historic patterns of segregation, allow citizens to , and foster inclusive communities that are free from discrimination.

Keep in Mind

- Meaningful actions are significant activities that take specific, measurable steps towards addressing inequalities in the access to affordable housing and other opportunities that are influenced by one's residence (e.g. transportation, schools, public amenities, etc.).
- Local states and jurisdictions, not HUD, use the fair housing plan development process to determine the barriers to fair housing in their communities and to set goals related to overcoming those barriers.

Resource List

Below is a quick listing of resources that are accessible, relevant and valuable for learning more about AFFH. Icon denotes the most relevant resources at the AFFH 101 level.

AFFH Resources	Links
Texas Department of Housing and Community Development	https://www.tdhca.state.tx.us/fair-housing/policy-guidance.htm
State of Texas Analysis of Impediments	https://www.tdhca.state.tx.us/fair-housing/analysis-impediments.htm
Texas Regional Needs Assessment and Affirmative Fair Housing Marketing and Outreach Plan - Requirements and Schedule	https://recovery.texas.gov/grant-administration/grant-implementation/housing/affirmatively-furthering-fair-housing/index.html
Texas General Land Office (GLO) CBDG-DR Resources	https://recovery.texas.gov/
Texas General Land Office (GLO) AFFH Checklist	https://recovery.texas.gov/grant-administration/grant-implementation/housing/affirmatively-furthering-fair-housing/index.html
Fair Housing Planning Guide	https://www.hud.gov/sites/documents/FHPG.PDF
Fair Housing Organizations	https://www.hudexchange.info/programs/affh/fair-housing-organizations/
AFFH Data and Mapping Tool (AFFH-T) AFFH-T Data Documentation AFFH-T Known Issues AFFH-T Raw Data	https://www.hud.gov/program_offices/fair_housing_equal_opp/affh
Fair Housing Mailing List	https://icfi.us5.list-manage.com/subscribe?u=87d7c8afc03ba69ee70d865b9&id=f32b935a5f
Affirmatively Furthering Fair Housing (AFFH) website	https://www.hudexchange.info/programs/affh/
AFFH Rule Guidebook	https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Rule-Guidebook.pdf
Texas Workforce Commission Housing Discrimination Complaint Hotline	https://twc.texas.gov/partners/housing-discrimination

Pertinent Citations

Federal

- 24 CFR § 5.152 – Affirmatively Furthering Fair Housing (AFFH)
- 24 CFR § 6.152 – Assessment of Fair Housing (AFH)
- 24 CFR Part 200, Subpart M – Affirmative Fair Housing Marketing (AFHM Regulations)

State

- Texas Property Code, Chapter 301 – Texas Fair Housing Act

Glossary

HUD has many existing resources in place to help understand CDBG-DR laws, regulations and practices. Below is a quick listing of relevant terms and phrases.

Affirmative Fair Housing Marketing Plan (AFHMP)	A document used to help subrecipients offer equal housing opportunities regardless of race, color, national origin, religion, sex, familial status, or disability (24 CFR Part 200, Subpart M).
Affirmatively Furthering Fair Housing`	Taking action to address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. All recipients of HUD funding are required to ensure their activities comply with these goals. (24 C.F.R. § 5.152).
Assessment of Fair Housing (AFH)	This fair housing plan includes an analysis of fair housing data, an assessment of fair housing issues, and an identification of fair housing priorities and goals, and is conducted and submitted to HUD. The AFH plan is no longer a federal requirement. (24 C.F.R. § 5.152).
Consolidated Plan	This document serves as the comprehensive housing affordability strategy, community development plan, and submissions for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA). (24 C.F.R. § 91.5). The goals of the fair housing plan is incorporated into it. This plan is submitted to HUD.
Consolidated Plan Program Participant	Any entity specified that receives funding for the following programs is required to submit a consolidated plans: • The Community Development Block Grant (CDBG) program (see 24 C.F.R. part 570, parts D and I); • The Emergency Solutions Grants (ESG) program (see 24 C.F.R. part 576); • The HOME Investment Partnerships (HOME) program (see 24 C.F.R. part 92); • The Housing Opportunities for Persons with AIDS (HOPWA)

	program (see 24 C.F.R. part 574).
Contributing Factor or Fair Housing Contributing Factor	A factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues. Goals in an AFH are designed to overcome one or more contributing factors and related fair housing issues, as provided in § 5.154. (24 C.F.R. § 5.152)
Disparity	A large difference between two population groups.
Disproportionate Housing Needs	Disproportionate Housing Needs refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups or the total population experiencing that category of housing need in the applicable geographic area. (24 C.F.R. § 5.152)
Fair Housing Choice	Individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, or disability. Fair housing choice encompasses: 1. Actual choice, which means the existence of affordable, desirable housing options; 2. Protected choice, which means housing that can be accessed without discrimination; and 3. Enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed. 4. For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual's (e.g. disability-related services that an individual needs to live in such housing).
Fair Housing Enforcement and Fair Housing Outreach Capacity	The ability of a jurisdiction, and organizations located in the jurisdiction, to accept complaints of violations of fair housing laws, investigate such complaints, obtain remedies, engage in fair housing testing, and educate community members about fair housing laws and rights. This definition covers any State or local agency that enforces a law substantially equivalent to the Fair Housing Act (see 24 CFR part 115) and any organization participating in the Fair Housing Initiative Programs (see 24 CFR part 125). (24 C.F.R. § 5.152)
Fair Housing Issue	A condition in a an area that restricts choice of housing or access to opportunity. It may include conditions such as ongoing local or regional segregation or lack of integration, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, disproportionate housing needs, and evidence of discrimination or violations of civil rights law or regulations related to housing.

Jurisdiction	A State or unit of general local government. (24 C.F.R. § 91.5)
Meaningful Actions	Significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. (24 C.F.R. § 5.15.2)
Protected Characteristics	Race, color, religion, sex, familial status, national origin, having a disability, and having a type of disability. (24 C.F.R. § 5.152)
Protected Class	A group of persons who have the same protected characteristic; e.g., a group of persons who are of the same race are a protected class. (24 C.F.R. § 5.152)
Racially or Ethnically Concentrated Area of Poverty (RECAP)	A geographic area with significant concentrations of poverty and minority populations. (24 C.F.R. § 5.152)
Segregation	A condition where there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. For persons with disabilities, segregation includes a condition in which the housing or services are not in the most integrated setting appropriate to an individual's needs in accordance with the requirements of the Americans with Disabilities Act (42 U.S.C. 12101, et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). (See 28 CFR part 35, appendix B, addressing 25 CFR 35.130.)
Significant Disparities in Access to Opportunity	Significant Disparities in access to opportunity means substantial and measurable differences in access to educational, transportation, economic, and other important opportunities in a community. (24 C.F.R. § 5.152)