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.

HUD’s AFFH Final Rule requires a comprehensive planning approach to help program participants take actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. This includes analyzing the local fair housing landscape and setting fair housing priorities and goals through the Assessment of Fair Housing (AFH) process, which replaces the Analysis of Impediments (AI). HUD is currently in different stages drafting the four AFH tools (States and Insular Areas/Local Government/PHA Only/Qualified PHA Only). The rule identifies four fair housing issues that program participants will assess using local data and data provided by HUD:

- Patterns of integration and segregation;
- Racially or ethnically concentrated areas of poverty;
- Disparities in access to opportunity; and
- Disproportionate housing needs.

The AFH process begins with program participants identifying fair housing issues and related contributing factors in their jurisdiction and region. Program participants are required to set goals to overcome fair housing issues and related contributing factors. Those goals must inform subsequent housing and community development planning processes.

Although NAHRO fully supports the principles that animate federal efforts to combat discrimination and affirmatively further fair housing for all people, this highly procedural rule adds significant administrative burden for PHAs and many of NAHRO’s members have commented that the AFH can only be completed by hiring a consultant. AFH tools do not take into account critical factors like resource availability and other program priorities. Instead, the AFH tools require program participants to set fair housing goals and other goals outside of housing related activities. This requires PHAs and community development organizations to set goals they must achieve with incomplete information and personal perceptions.

NAHRO is concerned that the tools and the AFFH final rule inappropriately prioritize planning priorities, increase administrative burden, force PHAs and community development groups to perform analyses on issues outside the scope of their authority and expertise, and force PHAs and community development groups to use complex and unwieldy data and processes. NAHRO continues to strive for greater simplification of the AFH tools.

HUD has completed a “Local Government and Joint/Regional” tool and a “PHA and PHA-only collaboration” tool (though the data for the PHA-tool has not been published). The “Qualified PHA (QPHA)” tool and the State and Insular Area tool have yet to be finalized. As of January 2018, HUD has delayed submission of all Local Government AFHs that have not yet been approved by HUD until their submission date after 2020.

For up-to-date information on this issue and other affordable housing issues go to www.nahro.org/resource-center and follow the NAHRO blog at www.nahroblog.org