

# Assessment of Fair Housing Tool For Public Housing Agencies

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**I. Cover Sheet**

1. Submission date:
2. Submitter name:
3. Type of submission (*e.g.*, single public housing agency (PHA), joint submission):
4. Submitter members (if applicable):
5. Sole or lead submitter contact information:
  - a. Executive Director Name:
  - b. Title:
  - c. Department:
  - d. Street address:
  - e. City:
  - f. State:
  - g. Zip code:
6. Period covered by this assessment:
7. Initial, amended, or renewal AFH:
8. To the best of its knowledge and belief, the statements and information contained herein are true, accurate, and complete and the PHA has developed this AFH in compliance with the requirements of 24 C.F.R. §§ 5.150-5.180 or comparable replacement regulations of the Department of Housing and Urban Development;
9. The PHA will take meaningful actions to further the goals identified in its AFH conducted in accordance with the requirements in §§ 5.150 through 5.180 and 24 C.F.R. §§ 903.7(o), and 903.15(d), as applicable.

(Signature) (date)

(Signature) (date)

(Signature) (date)

10. Departmental acceptance or non-acceptance:

(Signature) (date)

Comments

## II. Executive Summary

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

## III. Community Participation Process

1. Describe outreach activities undertaken to encourage and broaden meaningful community participation in the AFH process, including the types of outreach activities and dates of public hearings or meetings. Identify media outlets used and include a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs, persons who are limited English proficient (LEP), and persons with disabilities. Briefly explain how these communications were designed to reach the broadest audience possible to include any meetings with the Resident Advisory Board and other resident outreach.
2. Provide a list of organizations consulted during the community participation process.
3. How successful were the efforts at eliciting meaningful community participation? If there was low participation, provide the reasons.
4. Summarize all comments obtained in the community participation process, including any recommendations provided by the Resident Advisory Board(s). Include a summary of any comments or views not accepted and the reasons why.

## IV. Assessment of Past Goals, Actions and Strategies

1. Indicate what fair housing goals were selected by PHA(s) in recent Analyses of Impediments, Assessments of Fair Housing, or other relevant planning documents:
  - a. Discuss what progress has been made toward their achievement; ~~and~~.
  - b. Discuss how you have been successful in achieving past goals, and/or how you have fallen short of achieving those goals (including potentially harmful unintended consequences); ~~and~~.
  - c. Discuss any additional policies, actions, or steps that you could take to achieve past goals, or mitigate the problems you have experienced.
  - d. Discuss how the experience of PHA(s) with past goals has influenced the selection of current goals.

## V. Fair Housing Analysis

[Note to Public: Where HUD has not provided data for a specific question and PHAs do not have local knowledge or local data that is relevant to answering the question and as otherwise outlined in 24 C.F.R. § 5.152, PHAs may note the lack of such available information. PHAs should not leave the response blank.]

## A. Demographic Summary

Describe demographic patterns in the service area and region, and describe trends over time (since 1990).

## B. General Issues

### i. Segregation/Integration

#### 1. Analysis

- a. Describe and compare segregation levels in the service area and region. Identify the racial/ethnic groups that experience the highest levels of segregation.
- b. Identify areas [in the service area and region](#) with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.
- c. Explain how ~~these~~ segregation levels and patterns [in the service area and region](#) have changed over time (since 1990).
- d. Discuss whether there are any demographic trends, policies, or practices that could lead to higher segregation in the service area in the future. [Participants should focus on patterns that affect the service area and region rather than creating an inventory of local laws, policies, or practices.](#)

#### 2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about segregation in the service area and region affecting groups with other protected characteristics.
- b. The PHA may also describe other information relevant to its assessment of segregation, including activities such as place-based investments and mobility options for protected class groups.

#### 3. Contributing Factors of Segregation

*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 segregation.*

- [Admissions and occupancy policies and procedures including preferences in publicly supported housing](#)
- Community opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of ~~private investments in specific neighborhoods~~ [local or regional cooperation](#)
- Lack of public [and private](#) investments in specific neighborhoods, including services or amenities
- ~~Lack of regional cooperation~~
- Land use and zoning laws
- Location and type of affordable housing

- [Nuisance laws](#)
- Occupancy codes and restrictions
- ~~[Private discrimination](#)~~
- [Policies related to payment standards, FMR, and rent subsidies](#)
- Restrictions on landlords accepting vouchers
- [Source of income discrimination](#)
- Other

ii. **R/ECAPs**

**1. Analysis**

- a. Identify any R/ECAPs or groupings of R/ECAP tracts within the service area and region.
- b. Which protected classes disproportionately reside in R/ECAPs compared to the service area and region?
- c. Describe how R/ECAPs have changed over time in the service area and region since 1990).

**2. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about R/ECAPs in the service area and region affecting groups with other protected characteristics.
- b. The PHA may also describe other information relevant to its assessment of R/ECAPs, including activities such as place-based investments and mobility options for protected class groups.

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

*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 R/ECAPs.*

- Community opposition
- [Deteriorated and abandoned properties](#)
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- [Lack of local or regional cooperation](#)
- ~~[Lack of public and private investments in specific neighborhoods](#)~~
- ~~[Lack of public investments in specific neighborhoods](#)~~, including services or amenities
- ~~[Lack of regional cooperation](#)~~
- Land use and zoning laws
- Location and type of affordable housing
- [Nuisance laws](#)
- Occupancy codes and restrictions
- [Policies related to payment standards, FMR, and rent subsidies](#)

- Private discrimination
- Restrictions on landlords accepting vouchers
- [Source of income discrimination](#)
- Other

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

#### 1. Analysis

##### a. Education

- i. ~~Describe~~ For the protected class group(s) HUD has provided data, are there any disparities in access to proficient schools [for protected class groups based on race/ethnicity, national origin, and familial status where they live in the service area and region?](#) Describe how the disparities in access to proficient schools relate to residential living patterns in the service area and region. ~~Identify the protected class groups~~
- i. ~~Informed by community participation, any consultation with other relevant government agencies, and the PHA's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that have the least opportunity affect disparities in access to attend a proficient schools for school.~~
- ii. ~~Compare and describe the residency patterns of racial/ethnic, national origin, and familial status groups and their proximity to proficient schools in the service area and region.~~
- iii.i. ~~For students-aged children who live in public housing and HCV-assisted housing, and for families waitlisted for these programs, describe school-related policies (e.g., school enrollment policies, school-related transportation policies) that limit or enhance the ability of students, by race/ethnicity, national origin, and disability, to attend a proficient school.~~

##### b. Employment

- i. ~~Describe~~ For the protected class group(s) HUD has provided data, describe how the disparities in access to employment relate to residential living patterns. Are there any disparities in access to jobs and labor markets by race/ethnicity, national origin, and familial status in the service area and region. Identify the employment for protected class groups based on where they live?
- i. ~~Informed by community participation, any consultation with other relevant government agencies, and the PHA's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that are least successful affect disparities in obtaining employment.~~
- ii. ~~Compare and describe residency patterns of racial/ethnic, national origin, and familial status groups and their proximity to employment opportunities in the service area and region.~~
- iii.i. ~~access to employment~~ for residents of public housing and HCV-assisted housing, and for applicants waitlisted for these programs, describe policies and programs (e.g., job

~~training programs, child care policies) that limit or enhance the ability of such residents by race/ethnicity, national origin, familial status, and disability, to access employment opportunities.~~

**c. Transportation**

- ~~i. Describe~~For the protected class group(s) HUD has provided data, describe how disparities in access to transportation relate to residential living patterns. Are there any disparities in access to transportation by race/ethnicity, national origin for protected class groups based on where they live?
- ~~i. Informed by community participation, any consultation with other relevant government agencies, and familial status in the service area~~the PHA's own local data and region. Include a description of the protected class groups local knowledge, discuss whether there are programs, policies, or funding mechanisms that have the least access to transportation.
- ~~ii. Compare and describe residency patterns of racial/ethnic, national origin or familial status groups and affect disparities in~~ access to transportation ~~opportunities in the service area and region.~~
- ~~iii.ii. for residents of public housing and HCV-assisted housing, and for applicants waitlisted for these programs, describe policies and programs (e.g., transportation type, routes, schedules, reliability, and accessibility) that limit or enhance the ability of such residents by race/ethnicity, national origin, familial status, and disability to access transportation.~~

**d. Access to Low Poverty Neighborhoods**

- ~~i. Describe~~For the protected class group(s) HUD has provided data, describe how the disparities in access to low poverty neighborhoods relate to residential living patterns of those groups in the service area and region. Are there any disparities in access to low poverty areasneighborhoods for protected class groups based on where they live?
- ~~i. Informed by race/ethnicity, national origin, and familial status in the service area and region. Identify the protected class groups community participation, any consultation with other relevant government agencies, and the PHA's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that are least successful in accessing housingaffect disparities in low poverty areas.~~
- ~~ii. Compare and describe residential patterns relating to access to low poverty areas by race/ethnicity, national origin, and familial status in the service area and region.~~
- ~~iii.ii. neighborhoods~~ for residents of public housing and HCV-assisted housing, ~~and for applicants waitlisted for these programs, describe policies and programs (e.g., job training, mobility counseling) that limit or enhance the ability of such residents by race/ethnicity, national origin, familial status, and disability to access low poverty areas.~~

**e. Access to Environmentally Healthy Neighborhoods**

- ~~i. Describe~~For the protected class group(s) HUD has provided data, describe how disparities in access to environmentally healthy neighborhoods relate to residential living patterns. Are there any disparities in access to environmentally healthy neighborhoods by

race/ethnicity, national origin, and familial status for protected class groups based on where they live?

- i. Informed by community participation, any consultation with other relevant government agencies, and the PHA's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in the service area and region. Identify the protected class groups that have the least access to housing in environmentally healthy neighborhoods in the service area and region.
- ii. Compare and describe residential patterns relating access to environmentally healthy neighborhoods by race/ethnicity, national origin, and familial status in the service area and region.
- iii. ii. for residents of public housing and HCV-assisted housing, and for applicants waitlisted for these programs, describe policies and programs (e.g., siting of toxic facilities, brownfields remediation) that limit or enhance the ability of such residents by race/ethnicity, national origin, familial status, and disability to access healthy neighborhoods/housings.

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

- i. For the protected class group(s) HUD has provided data, identify and discuss any overarching patterns of access to opportunity and exposure to adverse community factors based on race/ethnicity, national origin or familial status. for protected classes based on their residential living patterns as compared to areas with greater or less access to opportunity assets.
- ii. Identify areas that experience an aggregate of low access to opportunity and high exposure to adverse factors. Include how these patterns compare to patterns of segregation and R/ECAPs. in the service area and region. Describe these patterns for the service area and region.

#### **2. Additional Information**

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

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

*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 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 access to opportunity due to high housing costs
- [Lack of job training programs](#)
- [Lack of local or regional cooperation](#)
- ~~Lack of public and private investments in specific neighborhoods~~
- ~~Lack of public investments in specific neighborhoods~~, including services or amenities
- ~~Lack of regional cooperation~~
- Land use and zoning laws
- Location and type of affordable housing
- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Occupancy codes and restrictions
- Policies related to payment standards, FMR, and rent subsidies
- ~~The availability, type, frequency, and reliability of public transportation~~
- [Source of income discrimination](#)
- Other

#### iv. **Disproportionate Housing Needs**

##### 1. Analysis

- a. Which [protected class](#) groups (by race/ethnicity and familial status) experience higher rates of housing [problems \(i.e., housing cost burden, overcrowding, or substandard housing\)](#) when compared to other groups [for the service area and region](#)? Which groups also experience higher rates of severe housing burdens when compared to other groups?
- b. Which areas in the service area and region experience ~~the greatest~~[higher levels of housing burdens/problems](#)? Which of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the predominant race/ethnicity or national origin groups in such areas?
- c. Compare the needs of families with children for housing units with two, and three or more bedrooms with the available existing housing stock in each category of publicly supported housing [for the service area and region](#).

##### 2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the service area and region affecting groups with other protected characteristics.
- b. The PHA may also describe other information relevant to its assessment of disproportionate housing needs and may include a PHA's overriding housing needs analysis.

##### 3. Contributing Factors of Disproportionate Housing Needs

*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 disproportionate housing needs.*

- [Availability of affordable units in a range of sizes](#)
- Displacement of residents due to economic pressures
- [Lack of access to opportunity due to high housing costs](#)
- ~~• [Lack of public and private investments in specific neighborhoods](#)~~
- ~~• [Lack of public investments in specific neighborhoods](#)~~, including services or amenities
- Land use and zoning laws
- ~~• [The availability of affordable units in a range of sizes](#)~~
- [Source of income discrimination](#)
- Other

## C. **Disability and Access Analysis**

### 1. **Population Profile**

- a. How are persons with disabilities geographically dispersed or concentrated in the service area 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.

### 2. **Housing Accessibility**

- a. Describe whether there is an adequate supply of housing that is accessible to persons with disabilities in the service area and region. Include a description of affordability, housing in a range of unit sizes, accessibility for different types of disabilities, and location as it relates to segregated areas, R/ECAPs, and areas with greater access to opportunity assets.
- b. To what extent are persons with different disabilities able to access and live in the different categories of publicly supported housing administered by the PHA?
- c. To what extent are common areas, rental offices, or other public spaces associated with a PHA's facilities accessible to persons with disabilities?

[d. How do PHA personnel and building staff engage in effective communication with applicants and residents with disabilities?](#)

[e. Describe the waitlist\(s\) policy of the PHA to include preferences, placement determination \(e.g., first-come, first-served vs. lottery\), program selection \(e.g., agency-wide waitlist or by development\), application method, length of time application window is open, and average wait time list.](#)

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

- a. To what extent do persons with disabilities in or from the service area or region reside in segregated or integrated settings?
  - b. Is there an adequate supply of accessible housing in community-based integrated settings in the service area and region? Include a description of the range of accessible and affordable units and access to supportive services for persons with disabilities.
  - c. Identify and describe [whether/where](#) the PHA, any local governments in the PHA's service area, or the State have implemented Olmstead plans or other relevant plans to achieve greater integration for persons with disabilities.
  - d. Describe the efforts the PHA has undertaken to assist persons with disabilities either transitioning from institutions or persons with disabilities at serious risk of institutionalization in accessing PHA assisted housing. Examples of such efforts may include participation in *Olmstead* plans or agreements, interagency coordination, implementation of admissions preferences including remedial preferences, enhanced outreach, maintaining accessible housing lists or registries, use of project-based vouchers, HUD-VASH vouchers, and administering non-elderly disabled (NED) vouchers.

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

- a. To what extent do persons with disabilities in the service area and region have access to opportunity assets related to education, jobs, and transportation? Are there areas in the service area or region with greater or less access to public and private infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals, transportation, proficient schools and educational programs, and jobs)
- b. Describe the PHA's process for persons with disabilities, including assisted households and those on the waiting list, for requesting and obtaining reasonable accommodations and accessibility modifications.

### **5. Disproportionate Housing Needs**

Describe any disproportionate housing needs experienced by persons with disabilities and by persons with certain types of disabilities in the service area and region.

### **6. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disability and access issues in the service area and region, including those affecting persons with disabilities with other protected characteristics.
- b. The PHA may also describe other information relevant to its assessment of disability and access issues.

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

*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 disability and access issues and the fair housing issues, which are Segregation, RECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor, note which fair housing issue(s) the selected contributing factor relates to.*

- ~~• Access to proficient schools for persons with disabilities~~
- 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 in-home or community-based supportive services~~
- 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 related to integrated settings;~~
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of assistance for ~~housing accessibility modification~~transitioning from institutional settings to integrated housing;
- ~~• Lack of assistance for transitioning from institutional settings to integrated housing~~
- ~~• Lack of public and private investment in specific neighborhoods including services and amenities~~
- ~~• Lack of local or regional cooperation~~
- Land use and zoning laws
- Location of accessible housing
- ~~• Occupancy codes and restrictions~~
- Laws, policies, regulatory barriers to providing housing and supportive services for persons with disabilities
- ~~• State or local Nuisance laws;~~
- Siting selection policies, ~~or practices that discourage individuals with disabilities— from being placed in or living in apartments, family homes, and other integrated settings~~decisions for publicly supported housing
- ~~• Source of income discrimination~~
- Other

## **D. Publicly Supported Housing Analysis**

### **1. Public Housing Agency Program Analysis**

#### **a. Demographics**

- i. Describe the demographics of the PHA's assisted households and, to the extent available, waitlisted households in the PHA's programs including public housing and HCV.

- ii. Describe how the PHA assisted household demographics compare to the population of the service area generally, and the population of persons who meet the PHA's income eligibility requirements in the service area and region.

**b. Location and Occupancy**

- i. Describe where the PHA's developments ~~and~~, [including project-based developments](#), HCV-assisted households, [and other properties owned by the PHA](#) are located in relation to previously discussed segregated areas and R/ECAPs. Include in the description an identification of the developments that serve families with children, elderly persons, or persons with disabilities.
- ii. Describe any differences between the demographics of residents of the PHA's public housing and HCV-assisted households who live inside R/ECAPs as compared to those who live outside R/ECAPs.
- iii. Do any of the PHA's developments, including RAD-converted developments, have a significantly different demographic composition, in terms of protected class, than other developments? Describe how these developments differ.
- iv. Compare the demographics of the PHA's public housing developments, including RAD-converted developments, to the demographic composition of the areas in which they are located. Describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity). Describe any differences in developments that primarily serve families with children, elderly persons, and persons with disabilities.

**c. Fair Housing Analysis of Rental Housing**

[\[Note to Public: Only PHAs that administer Housing Choice Vouchers are required to complete the questions in the Fair Housing Analysis of Rental Housing subsection\]](#)

- i. Describe the location of rental housing in the service area and region.
- ii. Describe the location of affordable rental housing in the service area and region.
- iii. Compare the location of affordable rental housing to the location of HCVs in the service area and region.
- iv. Describe how rental housing, including affordable rental housing, in the service area and region, has changed over time.
- v. Informed by the analyses conducted above regarding Segregation/Integration and Disparities in Access to Opportunity, identify areas in the service area and region that would promote integration and provide access to opportunity for HCV-assisted households with different protected characteristics that:

- Lack rental housing or affordable rental housing;

- Have affordable rental housing where vouchers are not being used.

## 2. Other Publicly Supported Housing Programs

### a. Demographics

- i. Describe the racial/ethnic groups more likely to be residing in other categories of publicly supported housing (project-based section 8 and other HUD multifamily assisted housing) in the service area.
- ii. Describe how the demographics of populations served by these programs compare to those of the PHA's programs, and the overall population and the income eligible population in the service area.

### b. Location and Occupancy

- i. Describe any differences in the geographic location of other publicly supported housing by program category in the service area and region in relation to previously discussed segregated areas and R/ECAPS.
- ii. [Informed by community participation, local data and/or local knowledge](#), describe patterns in the geographic location for publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in the service area and region in relation to previously discussed segregated areas or R/ECAPS.
- iii. How does the demographic composition of occupants of publicly supported housing in R/ECAPS compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPS in the service area and region?
- iv. (A) Do LIHTC developments, in the service area, have a significantly different demographic composition, in terms of protected class, than other developments of the same category? Describe how the demographics of these developments differ.  
  
(B) Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing.
- v. Compare the demographics of occupants of developments, in the service area, for each category of publicly supported housing (project-based Section 8, Other HUD Multifamily Assisted developments, and LIHTC) to the demographic composition of the areas in which they are located. Describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity. Describe any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.
- vi. Describe any disparities in access to LIHTC developments for the PHA's HCV-assisted households, by protected class.

### c. Disparities in Access to Opportunity

Describe any disparities in access to opportunity in the service area and region for residents of publicly supported housing, including within different program

categories (project-based Section 8, Other HUD Multifamily Assisted Developments, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.

### 3. Additional Information

- a. Provide additional relevant information, if any, about publicly supported housing in the service area and region, particularly information about groups with other protected characteristics and about housing not captured in the HUD-provided data.
- b. The PHA may also describe other information relevant to its assessment of publicly supported housing. Information may include relevant programs, actions, or activities, such as tenant self-sufficiency, place-based investments, or mobility programs.

### 4. Contributing Factors of Publicly Supported Housing

*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 publicly supported housing, including Segregation, RECAPs, 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
- ~~Impediments to mobility~~
- ~~Impediments to portability~~
- Displacement of residents due to economic pressures
- 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 private investment in specific neighborhoods~~
- ~~Lack of public investment in specific neighborhoods~~, including services and amenities
- ~~Lack of regional cooperation~~
- Lack of safe, affordable housing options for survivors of domestic violence
- Land use and zoning laws
- Local Restrictions or Requirements for Landlords Renting to Voucher-holders
- Nuisance laws
- Occupancy codes and restrictions
- Policies related to payment standards, FMR, and rent subsidies
- Quality of affordable housing information programs
- Restrictions on landlords accepting vouchers
- 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

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

1. List and summarize any of the following that have not been resolved: 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, 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.
2. Describe any state or local fair housing laws. What characteristics are protected under each law?
3. Describe the extent to which any agencies and organizations provide fair housing information, conduct outreach, and engage in enforcement in the service area and region.
4. **Additional Information**
  - a. Provide additional relevant information, if any, about fair housing enforcement, outreach capacity, and resources in the service area and region.
  - b. The PHA may also include information relevant to programs, actions, or activities to promote fair housing outcomes and capacity.

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

*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 enforcement, outreach capacity, and resources and the fair housing issues, which are Segregation, RECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each significant contributing factor, note which fair housing issue(s) the selected contributing factor impacts.*

- [Admissions and occupancy policies and procedures, including preferences in publicly supported housing](#)
- 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

**F. OPHA Insert**

**[Note to Public: This section is only to be completed when a Qualified PHA partners with a Non-Qualified PHA. For QPHAs in the same CBSA as the Non-Qualified PHA, the analysis is intended to meet the requirements of a OPHA service area analysis while relying on the Non-Qualified PHA to complete the regional analysis, provided the regional analysis is sufficiently analyzed under the Assessment Tool. For QPHAs whose service area extends**

beyond, or is outside of, the Non-Qualified PHA's CBSA, the analysis must cover the QPHA's service area and region. QPHAs should refer to the Contributing Factors listed in each section above and will have to identify Contributing Factors. QPHAs must also identify any individual goals.].

### **1. Segregation/Integration**

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

### **2. R/ECAPs**

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

### **3. Disparities in Access to Opportunity**

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

- Educational opportunities
- Employment opportunities
- Transportation opportunities
- Low poverty exposure opportunities
- Environmentally healthy neighborhood opportunities

### **4. Disproportionate Housing Needs**

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

### **5. Publicly Supported Housing Section**

Questions on the location and occupancy of the QPHA's publicly supported housing

#### *a. Demographics*

Provide demographic information, including protected class groups, on the residents of the QPHA 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 QPHA's developments and Housing Choice Vouchers in relation to areas of segregation and R/ECAPs in the service area (and region, if applicable).

ii. If there are R/ECAPs, describe any differences in the demographics, including by protected class group, of QPHA assisted households who live in R/ECAPs versus those who live outside of R/ECAPs in the service area (and region, if applicable).

iii. Describe the demographics, by protected class group, of each of the QPHA's publicly supported developments.

c. *Disparities in Access to Opportunity*

Describe the extent to which assisted households of the QPHA have access to the opportunity assets discussed above in the service area (and region, if applicable). Identify any disparities in access to each opportunity by protected class group in the service area (and region, if applicable).

d. *Disproportionate Housing Needs*

i. Compare the demographics, including by protected class group, of the QPHA's assisted households to households in the service area (and region, if applicable) with disproportionate housing needs.

ii. Compare the needs of families with children in the Qualified PHA's service area (and region, if applicable) for housing units with two, and three or more bedrooms, with the QPHA's available stock of assisted units.

e. *Policies and Practices*

Describe any policies and practices of the QPHA related to fair housing choice including:

- Affirmative marketing plan
- Admissions preferences or housing designations
- Voucher mobility and portability policies and practices

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

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

**6. Disability and Access**

a. Describe how persons with disabilities are geographically dispersed or concentrated in the QPHA 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 QPHA'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 QPHA’s service area (and region, if applicable) reside in segregated or integrated settings.

**7. Fair Housing Enforcement**

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, 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.

**8. Additional QPHA Information**

The QPHA may also describe other information relevant to its assessment of fair housing.

**VI. Fair Housing Goals and Priorities**

1. For each fair housing issue, prioritize the identified contributing factors. Justify the prioritization of the contributing factors that will be addressed by the goals set below in Question 2. Give the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance.
2. For each fair housing issue with significant contributing factors identified in Question 1, set one or more goals. Explain how each goal is designed to overcome the identified contributing factor and related fair housing issue(s). For goals designed to overcome more than one fair housing issue, explain how the goal will overcome each issue and the related contributing factors. For each goal, identify metrics and milestones for determining what fair 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 PHA(s)</u>
<b>Discussion:</b>				

## Introduction

Public housing agencies (PHAs) 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.

This Assessment Tool, including these instructions will be used by PHAs that receive assistance under sections 8 or 9 of the United States Housing Act of ~~1947~~<sup>1937</sup> (42 U.S.C. § 1437f or 42 U.S.C. § 1437g~~)-2~~, [including Moving to Work Agencies \(MTWs\). Submission requirements for MTWs are included in the notice accompanying this Assessment Tool.](#) The Assessment Tool will also be used by PHAs conducting a joint AFH with other PHAs, including qualified PHAs (QPHAs). A joint AFH does not relieve such collaborating PHA 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 (See 24 C.F.R. § 5.156 (e)). Joint ~~and regional~~ AFHs may include shared analyses, where appropriate, and program participants may divide work as they choose. PHAs that conduct and submit a joint AFH must provide HUD with a copy of their written agreement prior to submitting the AFH.

All program participants, including PHAs, must use the HUD-provided data, which includes data for the PHA's jurisdiction and region, to complete the AFH. Under HUD regulations, a PHA's jurisdiction is its service area. A joint AFH must reference the HUD-provided data for each PHA's service area and region. The Assessment Tool and HUD-provided data will be used by various types of PHAs (e.g. those in urban areas, rural areas, suburban areas, majority-minority communities), which may have unique characteristics, issues, and challenges. The HUD-provided data will help PHAs assess local and regional fair housing issues and contributing factors and set priorities and goals to overcome them.

~~However,~~ Certain HUD-provided data may have limitations, including limitations in how they apply to geographic areas with different characteristics (e.g., rural versus urban, majority minority areas). ~~For this reason,~~ Program participants [must supplement the HUD-provided data with](#) ~~are also required to use~~ local data and local knowledge outlined in 24 C.F.R. § 5.152 and discussed below.

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

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

Local knowledge is defined in the Final Rule at 24 C.F.R. § 5.152, and means information to be provided by program participants that relates to program participants' geographic areas of analyses and that is

relevant to program participants' AFH, is known or becomes known to program participants, and is necessary for the completion of the AFH using the Assessment Tool. Examples of local knowledge include laws and policies, common neighborhood names and borders, and information about the housing market and housing stock. HUD does not expect PHAs to review every possible source to search out local knowledge. However, local knowledge includes information obtained through the community participation process. PHAs are required to consider the information received during the community participation process as they conduct an AFH using the Assessment Tool.

PHAs are required to comply with the Privacy Act of 1974 (5 U.S.C. § 552a), and applicable State laws in the collection, maintenance, use, and dissemination of personally identifiable information.

~~PHAs~~Program participants must use reasonable judgment in deciding what supplemental information from among the numerous sources available would be most relevant to their analysis. HUD does not expect ~~PHAs~~program participants to hire statisticians or other consultants to locate and analyze all possible sources of local data. Program participants are not generally expected to conduct primary data gathering or analysis, or a quantitative impact evaluation requiring empirical research to objectively determine causation. Note that, subject to the community participation, consultation, and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158, ~~PHAs~~program participants are required to consider information relevant to the ~~service area~~jurisdiction or region submitted during the community participation process, including recommendations of other data sources for ~~PHAs to consider.~~ ~~PHAs are not required to hire consultants or expend limited program funds to analyze all possible data sources or participants~~ to assess ~~reports submitted by outside organizations except as required by the community participation process.~~ ~~In community participation, PHAs.~~ Program participants are required to consider the information received during the community participation process ~~as they conduct an AFH using, but need not expend extensive resources in doing so.~~ Note, however, that program participants must comply with the PHA Assessment Tool requirements for local data with local data and local knowledge outlined in 24 C.F.R. § 5.152 and as discussed in these instructions.

PHAs may wish to consult an assessment of fair housing conducted by the relevant consolidated plan program participants in its service area for information relevant to its analysis. The consolidated plan program participants may have conducted recent analysis in an AFH that would be useful for the PHA's service area and region. Such an assessment may include analysis of common fair housing issues and it may also already include information provided by other government agencies, private non-profits, and service provider. PHAs may also consult the AFHs or other planning documents, including Fair Housing Equity Assessments or Analysis of Impediments to Fair Housing Choice, of other PHAs, local governments, and States in their region to further their analysis of common regional issues.

In conducting the analysis, PHAs must identify significant contributing factors for each section of the analysis. When identifying contributing factors, each section of the analysis contains a discrete list of suggested factors for consideration, which includes factors commonly associated with that section of the analysis. The list contains an "other" option, for program participants to use in identifying other significant contributing factors not included in the list. A more exhaustive list of possible contributing factors is contained in the Appendix-B, which also includes a description of each contributing factor. PHAs are permitted to include contributing factors that are not listed in the Appendix-C.

A contributing factor may be outside the ability of a PHA to directly control or influence; however, such factors must be identified if they are significant. Identifying "external factors" and barriers to achieving goals is, among other things, a useful planning and performance management component. For PHAs submitting jointly, each PHA is responsible for identifying contributing factors within its service area and region. These factors will be prioritized in Section VI and used as a basis for establishing goals.

The Assessment Tool also contains the required analysis of fair housing issues and contributing factors that PHAs must undertake in order for an AFH to meet the requirements set forth in 24 C.F.R. §§ 5.150 through 5.180. The content required in the AFH can be found at 24 C.F.R. § 5.154 and is outlined in the applicable Assessment Tool for each PHA. However, please note that different PHAs may work through the Assessment of Fair Housing in different ways. Depending on each program participants' familiarity with fair housing planning and planning style, each PHA may choose to complete the required components of an Assessment of Fair Housing in a variety of ways. For example, while the AFFH rule requires that PHAs identify significant contributing factors, prioritize such factors, and justify the prioritization of the contributing factors that will be addressed in the PHA's fair housing goals, it does not specify a specific process for meeting these requirements. PHAs may choose to complete the AFH in any order they choose, so long as all requirements are met.

### **Part I: Cover Sheet with Certification**

Complete the cover sheet with all requested information. The official authorized representative of each program participant must sign and date the certification.

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

### **Part II: Executive Summary**

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

### **Part III: Community Participation Process**

Complete all four questions based on the community participation, consultation, and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158. As a reminder, when conducting this process, PHAs should employ communications means designed to reach the broadest possible audience. [The publication of the draft AFH](#) Such communications may be met as appropriate, by publishing a summary of each document in one or more newspapers of general circulation, and by making copies of each document available on the Internet, on program participants' official government Web sites, and as well at libraries, government offices, and public places.

Please note that for PHAs, community participation requirements are described in 24 C.F.R. §§ 903.13, 903.15, 903.17, and 903.19. As required by applicable regulations, PHAs must ensure meetings are held in physically accessible locations, provide appropriate auxiliary aids and services necessary to ensure effective communication with individuals with disabilities, and provide limited English proficient persons meaningful access to programs and services.

For question (1), provide a summary of the outreach activities undertaken; include any meetings with the Resident Advisory Board.

For question (2), provide a list of any organizations consulted during the community participation process. For PHAs, 24 C.F.R. § 5.158(a)(2) states that PHAs must follow policies and procedures described in 24 C.F.R. part 903. [Examples of groups to consult include, but are not limited to, Resident](#)

[Advisory Boards, resident councils, groups representing HCV households, people on waiting lists, community groups, affordable housing advocacy organizations, and legal services offices.](#)

For question (3), describe how successful the community participation process was, and provide an explanation for any low participation rates.

In question (4), pursuant to 24 C.F.R. § 5.154(d)(6), PHAs must include an explanation for why any comments or views submitted through the community participation process were not accepted – note that this includes information, such as supplemental data and reports. ~~Note that, this information would be local data, which is defined in the AFFH rule as metrics, statistics, and other quantified information, subject to a determination of statistical validity by HUD, that are relevant to program participants' geographic areas of analyses, can be found through a reasonable amount of searching, are readily available at little or no cost, and are necessary for the completion of the AFH using the Assessment Tool. HUD agrees that obtaining and compiling data could be a resource intensive pursuit. HUD will only require program participants to obtain data that is readily available at little or no cost, including in terms of staff time. HUD believes that local data should be used to supplement HUD provided data and is requiring program participants to include such data in their AFH. Where useful local data exists, it can be a valuable means of supplementing the national data and could be quite important to an AFH that applies to a particular area. Therefore, this rule balances these competing values by not requiring data to be compiled or obtained if it does not exist (although doing so is not prohibited), but where useful data exists, is relevant to the program participant's geographic area of analysis, and is readily available at little or no cost, the rule requires that it be considered.~~

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

For question (1)(a), provide an explanation of what past goals PHAs selected and what progress has been made toward their achievement. Use the metrics and milestones identified in past Analyses of Impediments or past Assessments of Fair Housing in assessing progress. PHAs that have not conducted an AFH or AI in the past are still required to answer this question based on other relevant planning documents and/or any past fair housing goals, actions, or strategies established by the PHA.

For question (1)(b), provide an explanation of the PHA's success in achieving past goals and/or how the PHA has fallen short, including any potentially harmful unintended consequences.

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

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

#### **Part V: Fair Housing Analysis**

For all questions, PHAs must use the HUD-provided data and supplement that information with local data and local knowledge when it meets the criteria under 24 C.F.R. § 5.152 (described above).

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

#### **A. Demographic Summary**

For this question, refer to [HUD-provided Tables], which present demographic summary data for the service area and region. The demographics analyzed must include an overview of: racial/ethnic populations; national origin populations, including any limited English proficient populations; individuals with disabilities by disability type; and families with children.

## **B. Fair Housing Issue Analysis**

### **Segregation/Integration**

For questions (1)(a) and (1)(b), refer to [HUD-provided Table]. The [HUD-provided Table] presents the dissimilarity index for the service area and region for white/non-white, black/white, Hispanic/white, and Asian/white populations for multiple census years.

This dissimilarity index measures the degree to which two groups are evenly distributed across a geographic area and is commonly used for assessing residential segregation between two groups. Values range from 0 to 100, where higher numbers indicate a higher degree of segregation among the two groups measured.

Dissimilarity index values between 0 and 39 generally indicate low segregation, values between 40 and 54 generally indicate moderate segregation, and values between 55 and 100 generally indicate a high level of segregation. However, context is important in interpreting the dissimilarity index.

The index does not indicate spatial patterns of segregation, just the relative degree of segregation; and, for populations that are small in absolute numbers, the dissimilarity index may be high even if the group's members are evenly distributed throughout the area. Generally, when a group's population is less than 1,000, program participants should exercise caution in interpreting associated dissimilarity indices. Also, because the index measures only two groups at a time, it is less reliable as a measure of segregation in areas with multiple demographic groups. For question (1)(a) indicate whether the measures shown generally indicate that segregation in the service area and region is low, moderate or high for each racial/ethnic group represented in the [HUD-provided Table], and note which groups experience the highest levels of segregation.

For question (1)(b), refer to [HUD-provided Maps]. The [HUD-provided Maps] are dot density maps showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the service area and region. A dot density map (also known as dot distribution map) uses a color-coded dot symbols representing the presence of a specified number of individuals sharing a particular characteristic to show a spatial pattern. The presence of residential segregation may appear as clusters of a single color of dots representing one protected class, or as clusters of more than one color of dots representing a number of protected classes but still excluding one or more protected classes. More integrated areas will appear as a variety of colored dots.

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

region. Again, some service areas may have other significant populations not included in the HUD-provided data but reflected in local data or local knowledge.

For question (1)(b), refer to the [HUD-provided Maps] to identify areas on the map that reveal clusters of race/ethnicity, national origin, or LEP groups, and areas where the map indicates are particularly integrated. In identifying those areas, and all areas throughout the tool, use commonly used neighborhood or area names.

For question (1)(c), refer to the [HUD-provided Tables] and [HUD-provided Maps]. The [HUD-provided Tables] provide dissimilarity index values for 1990, 2000, and 2010. Note whether the dissimilarity index values have increased or decreased over time. Increasing values may indicate increasing segregation, and decreasing values may indicate decreasing segregation. Also refer to the [HUD-provided Maps], which depicts racial/ethnic dot density distribution for previous years (1990 and 2000). A comparison of the patterns shown in [HUD-provided Map] to the patterns shown in the other [HUD-provided Map] may reveal changes in patterns of segregation by race/ethnicity over time. For instance, the comparison may show that an area previously occupied predominantly by one racial/ethnic group is now more integrated. Consider these changes in conjunction with the [HUD-provided Tables] showing changes in overall demographics over time. Consider also [HUD-provided Maps] ~~that~~, [which](#) depict dot density distribution of national origin and LEP populations.

For question (1)(d), local data and local knowledge may be particularly useful in answering this question. For example, local knowledge about local policies, practices, trends, and investments in the service area may be particularly useful in answering this question.

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

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

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

### **R/ECAPs**

For question (1)(a), refer to the [HUD-provided Maps], which include outlined census tracts that meet the threshold criteria for racially or ethnically concentrated areas of poverty (R/ECAPs) for the PHA's service area and region. The area within the outline meets the definition of an R/ECAP, as set forth in the rule at 24 C.F.R. § 5.152.

To answer question (1)(b), use the [HUD-provided Maps and Table]. The [HUD-provided Maps] are dot density maps showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the service area and region. These maps also include outlined overlays of R/ECAPs. The presence of residential segregation in R/ECAPs may appear as clusters of a single color of dots representing one protected class, or as clusters of more than one color of dots representing a number of protected classes but still excluding one or more protected classes. More integrated areas will appear as a variety of colored dots. The [HUD-provided Table] shows the percentage of persons living in R/ECAPs with certain protected characteristics (race/ethnicity, families with children, national origin) in the service area and the region. Note that the percentages reflect the proportion of the total population living in R/ECAPs that has a protected characteristic, not the proportion of individuals with a particular protected characteristic living in R/ECAPs. The [HUD-provided Table] can be compared to another [HUD-provided Table], which shows the total population in the service area and region for each of the groups shown in [HUD-provided Table].

For question (1)(c), refer to the [HUD-provided Maps]. The first [HUD-provided Map] shows the outlines of current R/ECAPs for the PHA's service area and region. The second [HUD-provided Map] shows the outlines of R/ECAPs in past years (1990 and 2000) for the PHA's service area and region. Compare the current R/ECAP outlines with previous R/ECAP outlines and describe whether R/ECAPs have remained constant, whether new R/ECAPs have emerged, or whether certain R/ECAPs no longer exist. The [HUD-provided Maps] also show dot density distributions by race/ethnicity, national origin, and LEP, including R/ECAP outlines. Note whether the maps show any changes in areas that have moved in or out of R/ECAP status over time and the predominant racial/ethnic group living in affected areas.

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

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

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

### **Disparities in Access to Opportunity**

~~For question (1), refer to the [HUD-provided table]. The table provides index scores or values for the following opportunity indicator indices: Low Poverty; The Fair Housing Act prohibits discrimination on the basis of race, color, religion, sex, familial status, national origin, and disability. As noted, HUD provides to program participants certain nationally-uniform data in the form of maps and tables to answer specific questions. Where HUD does not provide maps and tables, program participants must supplement~~

the HUD-provided data with local data and local knowledge outlined in 24 C.F.R. § 5.152. The [HUD-provided Table], which includes the Opportunity Index values for race/ethnicity groups is provided but is not required to be used to answer the questions.

In this section of the Assessment Tool, HUD asks specific questions about disparities for protected classes for which HUD is providing data and notes in these instructions which HUD-provided maps should be used to answer particular questions. Note, however, that Question 2(a) asks about these disparities in access to opportunity using local data and local knowledge beyond the HUD-provided data for all protected classes.

### Using the Opportunity Indices

Many of the questions in this section rely on the Opportunity Indices in the HUD-provided data. These data are presented in the form of maps that display Opportunity Index values by census tract. The following opportunity indices are displayed on the maps: School Proficiency; Labor Market Engagement; Jobs Proximity; Low Transportation Costs; Transit Trips Index; Low Poverty and Environmental Health by race/ethnicity and households below the poverty line. A higher ~~score~~value on each of the indices would indicate: ~~lower neighborhood poverty rates~~; higher levels of school proficiency; higher levels of labor engagement; closer proximity to jobs; lower transportation costs; ~~closer~~greater access to public transportation; lower neighborhood poverty rates; and greater neighborhood environmental quality (i.e., lower exposure rates to harmful toxins). Using the indices provided, program participants will be able to compare access to key opportunity assets with relative ease by consulting a single table ~~and a series of maps.~~ These indices are based on nationally available data sources. ~~Local data and local knowledge may be particularly helpful in connection with these analyses.~~

Disparities in access to opportunity in the jurisdiction and region are identified using thematic maps that show different levels of exposure to various opportunity indicators by overlaying gradations of shading on the maps. Generally, lighter shading represents a lower value on the Opportunity Index. Conversely, darker shading represents a higher value on the Opportunity Index.

The Opportunity Indices displayed in the [HUD-provided Maps], also show the residential living patterns for protected class groups by race/ethnicity, national origin and families with children.<sup>1</sup> There is one map for each Opportunity Index. All of these maps also show R/ECAP boundaries and are provided for both the jurisdiction and region.

### Education

For the questions in question (1)(a), use the School Proficiency Index in the [HUD-provided table] and (i), refer to the [HUD-provided Map]. The School Proficiency Index measures the proficiency of elementary schools in the attendance area (where this information is available) of individuals sharing a protected characteristic or the proficiency of elementary schools within 1.5 miles of individuals with a protected characteristic where attendance boundary data are not available. The values for the School Proficiency Index are determined by the performance of 4th grade students on state exams. The [HUD-provided Map] consists of three sub-maps, showing the spatial distribution of residential living patterns for racial/ethnic and national origin groups and families with children overlaid by shading that shows school proficiency levels for the service area and the region. The maps also include R/ECAP outlines. For this

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<sup>1</sup> The HUD-provided data includes families with children as a means of assessing the protected characteristic of familial status. Please note, under the Fair Housing Act familial status applies more broadly than just to families with children.

question, assess areas in the service area and region relating to access to educational opportunities for members of protected class groups.

~~To answer questions (1)(a)(i), examine the School Proficiency Index, by race/ethnicity, and the [HUD-provided Map], by race/ethnicity, national origin, and familial status, to identify differences in access to proficient schools by protected characteristic in the service area and region.~~

~~For question (1)(a)(ii), refer to the [HUD-provided map] by race/ethnicity, national origin, and familial status to assess how residency patterns relate to the location of proficient schools. Note that, to the extent the questions require consideration of middle and high schools, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant.~~

~~Question (1)(a)(iii), Question (1)(a)(ii) may be answered using local data or local knowledge. PHAs should consider whether local school policies provide for alternative means of access to schools that are not reflected in the HUD-provided data. For question (1)(a)(iii), PHAs should include how school-related policies impact students based on race/ethnicity, national origin, protected class. The [HUD-provided Maps] may also be useful in answering question (1)(a)(ii). Additionally, use local data or local knowledge to assess access to educational opportunities for residents of public housing and disability HCV-assisted housing by protected class group. Note that disability is assessed separately in Section V(C); however, because access to education for students with disabilities who also reside in public housing and HCV-assisted housing, and for families with students with disabilities waitlisted for these programs is particularly important, include students with disabilities here. The [HUD-provided Maps] may also be useful in answering question (1)(a)(iii). Additionally, use local data or local knowledge to assess access to educational opportunities for residents of public housing and HCV-assisted housing, and for applicants waitlisted for these programs, by protected class group. Include additional information, if any, about education-related policies, and practices, and the effects on protected class groups residing in public housing and HCV-assisted housing, and for applicants waitlisted for these programs.~~

## Employment

~~For the questions question (1)(b)(i), refer to the Jobs Proximity Index and Labor Market Engagement Index in the [HUD-provided Table], and to the [HUD-provided Maps]. The Jobs Proximity Index measures the physical distances between place of residence and jobs by race/ethnicity. The Labor Market Engagement Index provides a measure of unemployment rate, labor-force participation rate, and percent of the population ages 25 and above with at least a bachelor's degree, by neighborhood. The [HUD-provided map] shows Maps] show index values for the Jobs Proximity Index and the Labor Market Engagement overlaid by the residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that shows the jobs proximity measure for the service area and the region. The map also includes R/ECAP outlines. Another [HUD- Maps are provided map] shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that shows labor engagement for the service area and the region. The map also includes R/ECAP outlines.~~

~~To answer questions (1)(b)(i) and (ii), examine the indices' values by race/ethnicity, and the [HUD-provided The maps], by race/ethnicity, national origin, and familial status, to identify differences in proximity to jobs and labor market engagement by protected characteristic. also include R/ECAP outlines. For these questions this question, assess areas in the service area and region relating to access to employment opportunities for members of protected class groups.~~

Question (1)(b)(~~iii~~) may be answered using local data or local knowledge. ~~For question (1)(b)(iii), PHAs should consider whether employment-related policies provide for alternative access to employment that are not reflected in the HUD-provided data.~~ PHAs should include how employment-related policies impact access to employment ~~based on race/ethnicity, national origin, familial status, and disability. Note that disability is assessed separately in Section V(C); however, because access to employment opportunities for individuals with disabilities who also reside in~~for residents of public housing and HCV-assisted housing, ~~and for applicants with disabilities waitlisted for these programs is particularly important, include analysis for individuals with disabilities here.~~ by protected class group. The [HUD-provided Maps] may also be useful in answering ~~questions~~question (1)(b)(~~iii~~) and (1)(b)(~~iv~~)j). Additionally, use local data or local knowledge to assess access to employment opportunities for residents of public housing and HCV-assisted housing, ~~and for applicants waitlisted for these programs,~~ by protected class group. Note that disability is assessed separately in Section V(C). Include additional information, if any, about employment-related policies, and practices, and the effects on protected class groups residing in public housing and HCV-assisted housing, ~~and for applicants waitlisted for these programs.~~

### Transportation

For question (1)(c)(i), refer to the [HUD-provided ~~table~~], ~~which includes the Low Transportation Cost Index and the Transit Trips index and the [HUD-provided Maps].~~ The Low Transportation Cost Index measures cost of transport and proximity to public transportation by neighborhood. The Transit Trips Index measures how often low-income families in a neighborhood use public transportation. The first [HUD-provided ~~Map~~ ~~shows Maps~~] show the Opportunity Index values for these indices overlaid by residency patterns of racial/ethnic and national origin groups and families with children ~~overlaid by shading that shows transportation access at the neighborhood level.~~ These maps also include R/ECAP outlines. ~~The second [HUD-maps are provided Map] shows residency patterns of racial/ethnic and national origin groups, and families with children overlaid by shading that shows low transportation costs at the census tract level for the service area and region. For this question, assess areas~~ in the service area and region. relating to access to transportation for members of protected class groups.

~~To answer questions (1)(c)(i) and (ii), examine the Low Transportation Cost Index and Transit Trips Index values in the [HUD-provided Table], by race/ethnicity, and the [HUD-provided Maps], by race/ethnicity, national origin, and familial status, to identify differences in access to transportation by protected characteristic in the service area and region.~~

Question (1)(c)(~~iii~~) may be answered using local data or local knowledge. ~~For question (1)(c)(iii), PHAs should consider whether transportation-related policies provide for alternative access to transportation that are not reflected in the HUD-provided data.~~ PHAs should include how transportation-related policies impact access to transportation for residents of public housing and HCV-assisted housing based on race/ethnicity, national origin, ~~familial status,~~ and disability. ~~Note that disability is assessed separately in Section V(C); however, because access to transportation for individuals with disabilities who also reside in public housing and HCV-assisted housing, and for applicants with disabilities waitlisted for these programs is particularly important, include individuals with disabilities here.~~ The [HUD-provided Maps] may also be useful in answering questions (1)(c)(~~iii~~) and (1)(c)(~~iv~~)j). Additionally, use local data or local knowledge to assess access to transportation for residents of public housing and HCV-assisted housing, ~~and for applicants waitlisted for these programs,~~ by protected class group. Note that disability is assessed separately in Section V(C). Include additional information, if any, about transportation-related policies, and practices, and the effects on protected class groups residing in public housing and HCV-assisted housing, ~~and for applicants waitlisted for these programs.~~

### Access to Low Poverty Neighborhoods

For question (1)(d)(i), refer to the Low Poverty Index in the [HUD-provided Table] and the [HUD-provided Map]. The Low Poverty Index uses rates of family tracks the poverty by household (based on the federal poverty line) to measure exposure to poverty rate by neighborhood. A higher score generally value (indicated by darker shading on the map) indicates less exposure to lower poverty at. Lighter shading on the neighborhood level map indicates higher poverty. The [HUD-provided Map] also shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that depicts poverty levels for the service area and the region. The map also includes R/ECAP outlines. For this question, assess areas in the service area and region relating to access to low poverty neighborhoods for members of protected class groups.

To answer questions (1)(d)(i) and (ii), examine the Low Poverty Index values, by race/ethnicity, and the [HUD-provided Map], by race/ethnicity, national origin, and familial status, to identify differences in poverty by protected characteristic.

Questions (1)(d)(iii) and (iv):

Question (1)(d)(ii) may be answered using local data or local knowledge. For question (1)(d)(iii), PHAs should consider whether there are poverty-related policies that are not reflected in the HUD-provided data. PHAs should include how poverty-related policies impact access to low poverty neighborhoods for residents based on race/ethnicity, national origin, familial status, and disability. Note that disability is assessed separately in Section V(C); however, because access to low poverty neighborhoods for individuals with disabilities who also reside in of public housing and HCV-assisted housing, and for applicants with disabilities waitlisted for these programs is particularly important, include analysis for individuals with disabilities here— based on race/ethnicity, national origin, and disability. The [HUD-provided Maps] may also be useful in answering question (1)(d)(iii). Additionally, use local data or local knowledge to assess access to low poverty neighborhoods for residents of public housing and HCV-assisted housing, and for applicants waitlisted for these programs, by protected class group. Note that disability is assessed separately in Section V(C). Include additional information, if any, about poverty-related policies, and practices, and the effects on protected class groups residing in public housing and HCV-assisted housing, and for applicants waitlisted for these programs.

### Access to Environmentally Healthy Neighborhoods

For question (1)(e)(i) and (ii), refer to the Environmental Health Index in the [HUD-provided Table] and the [HUD-provided Map]. The Environmental Health Index measures exposure based on EPA estimates of air quality (based on carcinogenic, respiratory and neurological toxins) by neighborhood. The [HUD-provided Map] shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading showing the level of exposure to environmental health hazards for the service area and the region. The [HUD-provided Map] also includes R/ECAP outlines. To answer For this question, assess areas in the questions, examine the Environmental Health Index values, by race/ethnicity, service area and the [HUD-provided map], by race/ethnicity, national origin, and familial status, region relating to identify differences in access to environmentally healthy neighborhoods or exposure to environmental health hazards by for members of protected characteristic class groups. While the Environment Health Index is limited to issues related to air quality, PHAs may also discuss other indicators of environmental health, based on local data and local knowledge. Environmental-related policies may include the siting of highways, industrial plants, or waste sites. For this question, assess areas in the service area and region relating to access to environmentally healthy neighborhoods or exposure to environmental health hazards for members of protected class groups.

Question (1)(e)(iii) may be answered using local data or local knowledge. For question (1)(e)(iii), PHAs should consider whether there are environmental-related policies that are not reflected in the HUD-

~~provided data.~~ PHAs should include how environmental-related policies impact ~~residents based on race/ethnicity, national origin, familial status, and disability. Note that disability is assessed separately in Section V(C); however, because~~ access to environmentally healthy neighborhoods for ~~individuals with disabilities who also reside in~~ residents of public housing and HCV-assisted housing, ~~and for applicants with disabilities waitlisted for these programs is particularly important, include analysis for individuals with disabilities here.~~ based on race/ethnicity, national origin, and disability. The [HUD-provided Maps] may also be useful in answering question (1)(e)(~~iii~~). Additionally, use local data or local knowledge to assess access to environmentally healthy neighborhoods for residents of public housing and HCV-assisted housing, ~~and for applicants waitlisted for these programs~~, by protected class group. ~~Note that disability is assessed separately in Section V(C).~~ Include additional information, if any, about environmental-related policies, and practices, and the effects on protected class groups residing in public housing and HCV-assisted housing, ~~and for applicants waitlisted for these programs.~~

### Patterns in Disparities in Access to Opportunity

For ~~question in~~ questions (1)(f)(i) and (ii), refer to the answers provided in question (1)(a)-(e).

### Additional Information

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

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

### Contributing Factors

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

### Disproportionate Housing Needs

For question (1)(a), refer to [HUD-provided Tables]. The first [HUD-provided Table] shows the percentage of race/ethnicity groups and families with children experiencing two potential categories of housing need. The first category is households experiencing one of four housing problems: housing cost burden (defined as paying more than 30% of income for monthly housing costs including utilities), overcrowding, lacking a complete kitchen, or lacking plumbing. The second category is households experiencing “one of four severe housing problems” which are: severe housing cost burden (defined as paying more than half of one’s income for monthly housing costs including utilities), overcrowding, and

lacking a complete kitchen, or lacking plumbing. The second [HUD-provided Table] shows the number of persons by race/ethnicity and family size experiencing severe housing cost burden.

For question (1)(b), refer to [HUD-provided Maps]. The first [HUD-provided Map] shows the residential living patterns for persons by race/ethnicity, overlaid by shading indicating the percentage of households experiencing one or more housing problems. Darker shading indicates a higher prevalence of such problems. The map also includes R/ECAP outlines. The second [HUD-provided Map] shows the same information overlaid on residential living patterns by national origin.

For question (1)(c), refer to [HUD-provided Tables]. The first [HUD-provided Table] shows housing needs experienced by families with 5 or more persons (used to approximate the population of families with children). The second [HUD-provided Table] shows the number of households occupying units of various sizes (0-1 bedrooms, 2 bedrooms, 3 or more bedrooms) in four publicly supported housing program categories (public housing, Project-based Section 8, Other HUD Multifamily, and HCV). The table shows the number of households with children currently residing in each of those four program categories.

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

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

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

### **C. Disability and Access Analysis**

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

#### **Population Profile**

For question (1)(a), refer to [HUD-provided Map and HUD-provided Table]. The [HUD-provided Map] depicts a dot density distribution by disability type (hearing, vision, cognition, ambulatory, self-care, independent living) for the service area and the region. The map also includes R/ECAP outlines. The [HUD-provided Table] provides data on the percentage of the population with types of disabilities in the service area and the region.

For question (1)(b), refer to [HUD-provided Maps and HUD-provided Table]. [HUD-provided Map] depicts a dot density distribution of persons with disabilities by age (5-17, 18-64, and 65+) for the service area and the region. [HUD-provided Table] provides data on the percentage of the population with disabilities by age for the service area and the region.

### **Housing Accessibility**

For question (2)(a), HUD is unable to provide data at this time, as there is limited nationally available disability-related data at this time, including data relating to accessible housing; however, to assist with answering these questions, PHAs may refer to the maps provided by HUD to identify R/ECAPs, other segregated areas, or areas with greater access to opportunity assets identified in previous sections. PHAs should keep in mind that single-family housing is generally not accessible to persons with disabilities unless state or local law requires it to be accessible or the housing is part of a HUD-funded program or other program providing for accessibility features. The Fair Housing Act requires that most multifamily properties built after 1991 meet federal accessibility standards. As a result, multifamily housing built after this date, if built in compliance with federal law would meet this minimum level of accessibility, while buildings built before this date generally would not be accessible. The age of housing stock can be a useful, but not exhaustive, measure in answering this question. In addition, affordable housing subject to Section 504 of the Rehabilitation Act must include a percentage of units accessible for individuals with mobility impairments and units accessible for individuals with hearing or vision impairments. The [HUD-provided Map] that shows the location of four types of publicly supported housing may also be useful in answering this question.

For question (2)(b), refer to [HUD-provided Table]. The [HUD-provided Table] provides data on the number and percentage of persons with disabilities residing in four categories of publicly supported housing in both the service area and the region. In answering the question, assess the categories of publicly supported housing administered by the PHA. The PHA should also consider policies and practices that impact individuals' ability to access the housing, including such things as wait list procedures, admissions or occupancy policies (e.g., income targeting for new admissions), residency preferences, availability of different accessibility features, and website accessibility.

For question 2(c), local data and local knowledge will be particularly useful in answering this question.

### **Integration of Persons with Disabilities Living in Institutions and Other Segregated Settings**

Local data and local knowledge will likely be particularly useful in answering questions (3)(a)-(d). Sources of location data and local knowledge may include, among others, individuals with disabilities, federally-funded independent living centers, state protection and advocacy organizations, advocacy organizations representing the spectrum of disabilities, state developmental disability councils and agencies, and state mental health/behavioral health agencies. Topics for consideration may include the length of wait lists for accessible units in publicly supported housing, availability of accessible units in non-publicly supported housing available to HCV participants, whether public funding (e.g., CDBG funds) or tax credits are available for reasonable modifications in rental units and/or for homeowners, whether accessible units are occupied by households requiring accessibility features, and whether publicly supported housing, including units and public and common use areas (e.g., entrance, lobby, hallways, laundry rooms, recreation areas, parking, leasing office), is sufficiently accessible to persons with disabilities.

The Fair Housing Act, Section 504, and the ADA contain mandates related that public entities administer services to integrated settings for persons people with disabilities in the most integrated setting appropriate

[to their needs](#). Integrated settings are those that enable individuals with disabilities to live and interact with individuals without disabilities to the greatest extent possible and receive the healthcare and supportive services from the provider of their choice. To answer questions (3)(a)-(d), refer to HUD’s “Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*.”<sup>2</sup>

Local data and local knowledge will likely be particularly useful in answer question (3)(c). To ensure meaningful analysis of these questions, PHAs may need to obtain information from state disability service authorities, which may include, for example, the developmental disabilities authority, mental health authority, social or human services department, and the state Medicaid agency, each of which is likely to have ready access to reliable information concerning the location and frequency of individuals with disabilities. A state’s *Olmstead* Plan may contain useful information in answering these questions. [Finally, important information may be provided in CMS data from the Money Follows the Person program \(if any\) as well as other Medicaid home and community-based waivers or options in your state; CMS data on people with disabilities living in nursing facilities and intermediate care facilities for individuals with developmental disabilities; and HUD data on people with disabilities experiencing homelessness.](#)

For question (3)(d), local data and local knowledge will be particularly useful. Include a description of the efforts the PHA has undertaken to assist persons with disabilities either transitioning from institutions or persons with disabilities at serious risk of institutionalization in accessing PHA-assisted housing.

[Other sources of location data and local knowledge for the Disability and Access Analysis may include, among others, individuals with disabilities, federally-funded independent living centers, protection and advocacy organizations, advocacy organizations representing the spectrum of disabilities, state developmental disability councils and agencies, and state mental health/behavioral health agencies. Topics for consideration may include the length of wait lists for accessible units in publicly supported housing, availability of accessible units in non-publicly supported housing available to HCV participants, whether public funding \(e.g., CDBG funds\) or tax credits are available for reasonable modifications in rental units and/or for homeowners, whether accessible units are occupied by households requiring accessibility features, and whether publicly supported housing, including units and public and common use areas \(e.g., entrance, lobby, hallways, laundry rooms, recreation areas, parking, leasing office\), is sufficiently accessible to persons with disabilities.](#)

### **Disparities in Access to Opportunity**

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

### **Disproportionate Housing Needs**

For question (5), program participants may refer to the [HUD-provided Tables and HUD-provided Maps] for data relating to disproportionate housing needs. However, this data is not specific to individuals with disabilities, as such local data and local knowledge may be particularly useful in answering this question for the service area and region.

### **Additional Information**

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<sup>2</sup> HUD’s *Olmstead* Statement can be found at:  
<http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.

Understanding the limitations of the HUD-provided data discussed above, complete question (6)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on certain types of disabilities and for the ages of persons with disabilities. Include any relevant information about other protected characteristics.

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

### **Contributing Factors**

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

### **D. Publicly Supported Housing<sup>3</sup> Analysis**

Data on publicly supported housing is grouped into five program categories: public housing; project-based Section 8; Section 8 tenant-based Housing Choice Vouchers (HCV); Other HUD Multifamily housing (including Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities); and Low-Income Housing Tax Credit (LIHTC) housing. Relevant information may also include housing converted through the Rental Assistance Demonstration (RAD), which will be analyzed as part of Housing Choice Vouchers or project-based Section 8 (as applicable). Local data and local knowledge will be relevant to identify the specific developments. Some tables and maps provided include information on some of the program categories but not others based on availability of the data. Where a housing development includes more than one category of publicly supported housing, this development is reported in data for each housing category (e.g., project-based Section 8 combined with LIHTC). Note that other publicly supported housing programs, for instance those funded through state and local programs or by other federal agencies, such as USDA's Rural Housing Service and the Veteran's Administration, or other HUD programs that are not covered in the HUD-provided data may be relevant to the analysis. In answering questions regarding LIHTC, PHAs can distinguish between different uses of LIHTC, including new construction and rehabilitation as well as between nine percent

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<sup>3</sup> 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 HUD 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.

and four percent LIHTCs. Different uses of LIHTC may serve different public policy priorities and entail considerations such as per-unit cost-effectiveness and local and regional market conditions and housing needs.

Data related to public housing may be affected by asset management project (AMP) groupings.<sup>4</sup> For instance, where public housing agencies report data for developments located at different sites as one AMP, the map showing the locations of the categories of publicly supported housing will only display this data at one location. Similarly, the table showing the census tract and occupancy of public housing will only show AMP groupings once, rather than for each site. In certain circumstances AMP groupings may affect the fair housing analysis. For example, AMP groupings will impede siting and occupancy analyses where AMP groupings have combined buildings that are in demographically different neighborhoods. For this reason, local data and local knowledge relating to the siting and occupancy of publicly supported housing may be particularly useful in answering the questions in this section.

## **Public Housing Agency Program Analysis**

### **Demographics**

For questions (1)(a)(i) and (ii), refer to [HUD-provided Tables]. The [HUD-provided Tables] present data by race/ethnicity for persons occupying ~~four~~two categories of publicly supported housing (public housing, ~~project-based Section 8, Other HUD Multifamily,~~ and HCV) operated by the PHA in the its service area ~~and region~~. The tables also provide race/ethnicity data for the total population ~~in the service area and region~~ and for ~~persons meeting the income eligibility requirements for a relevant category of publicly supported housing; eligible households in both the service area and region~~. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers. To answer the questions, refer to the data in the table relating to the PHA's programs. In answering these questions, it may be helpful to refer to the Disproportionate Housing Needs considered above, particularly in terms of unmet need for housing assistance among protected class groups.

### **Location and Occupancy**

For questions (1)(b)(i) and (ii) refer to [HUD-provided Maps], which are race/ethnicity dot density maps with a publicly supported housing overlay, including outlines of R/ECAPS, for the service area and region. In the first [HUD-provided Map], symbols representing four categories of publicly supported housing indicate the location of a development of that category of housing. Note that some developments may represent multiple buildings or projects that are not necessarily located at the same address the symbol represents. In the second [HUD-provided Map], the density of use of Section 8 vouchers is layered over a race/ethnicity dot density map. Darker shading represents a heavier concentration of vouchers. The first [HUD-provided Map] does not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations are often affected differently by laws, policies and practices, resulting in significantly different siting patterns. Local knowledge may be particularly useful in answering this portion of the question. To answer questions 1(b)(i) and (ii), turn on only the symbols for public housing in the first [HUD-provided Map] to assess the location of the PHA's developments. Then use the second [HUD-provided Map] to assess the location of HCV-assisted households for the service area and region. Note that the analysis should include other PHA owned properties in addition to public housing. Local data and local knowledge may be particularly relevant for answering this portion of the questions.

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<sup>4</sup> 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.

For question (1)(b)(iii), refer to both the HUD-provided data and local data and local knowledge. The [HUD-provided Table] shows the racial/ethnic composition and percentage of households with children occupying public housing. To determine if any of the PHA’s developments have a significantly different demographic composition, compare the demographic occupancy data of the PHA’s different developments. In analyzing the [HUD-provided Table], be aware that the demographic occupancy information is affected by the size of the development – smaller developments may appear to have greater variance, but note that in small developments, a difference of a few units may alter the overall percentage of the occupancy demographic composition. Please note: this analysis includes RAD-converted developments.

For question (1)(b)(iv), refer to the [HUD-provided -Table and HUD-provided Map]. The [HUD-provided Table] development-level demographic characteristics of residents of three program categories (public housing, project-based Section 8, and Other HUD Multifamily). To answer the question, refer to the information relating to the PHA’s developments. The [HUD-provided Map] shows the location of individual developments for four program categories (public housing, project-based Section 8, Other HUD Multifamily, and LIHTC). To answer the question, refer to the information relating to the PHA’s developments. Note that census tract boundaries may not align with “neighborhoods” or “areas” as commonly understood at the local level, and local knowledge may be useful to assist in the comparison.

Please note that ~~HUD will add functionality to~~ the Data and Mapping Tool includes functionality in the Map Query Tool to further sort and export census tract and occupancy demographic data from ~~the~~ [HUD-provided Map] to generate a table for the categories of publicly supported housing (i.e., public housing, project-based Section 8, Other HUD Multifamily Assisted developments (e.g., Sections 202 and 811), and LIHTC, provided that it will exclude occupancy demographic data for LIHTC developments, which should be analyzed using local data and local knowledge). ~~Until such time, HUD provides program participants and the public with this data in an alternate tabular format in three ways: (1) directly to program participants, (2) through a link on the HUD Exchange AFFH webpage, and (3) as a hyperlink for download in [HUD-provided Map] of the Data and Mapping Tool.~~

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

Compare the demographic occupancy data of developments to the areas in which they are located. Please note: this analysis includes RAD-converted developments.

### **Fair Housing Analysis of Rental Housing**

For question (1)(c)(i) and (ii), refer to [HUD-provided Maps]. The first [HUD-provided Map] shows the percent of rental occupied housing in the service area and region. The map is shaded by census tract, with darker shading showing a greater percent of renter occupied housing. The second [HUD-provided Map] shows the percent of rental units that are affordable<sup>5</sup> in the service area and region. The map is shaded by census tract, with darker shading indicating a greater percentage of rental stock that is affordable.

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<sup>5</sup> The term “affordable” in this context is defined as renting at or less than 30 percent of income for a household at 50 percent of area median income, or “very low-income” in the HCV program.

For question (1)(c)(iii), refer to [HUD-provided Map], which shows the percent of rental units that are affordable<sup>6</sup> in the service area and region. The map is shaded by census tract, with darker shading indicating a greater percentage of rental stock that is affordable. This map includes an overlay with dot density of HCV locations in the service area and region.

For question (1)(c)(iv), local data and local knowledge may be particularly useful in answering this question. PHAs may also wish to refer to [HUD-provided Map], which shows the percent of rental units that are affordable<sup>7</sup> in the service area and region.<sup>8</sup> The map is shaded by census tract, with darker shading indicating a greater percentage of rental stock that is affordable.

Informed by the analyses conducted above regarding Segregation/Integration and Disparities in Access to Opportunity, use the [HUD-provided Maps] to answer question (1)(c)(v) by identifying areas in the service area and region that would promote integration and provide access to opportunity for HCV-assisted households with different protected characteristics. PHAs should refer back to the demographic analysis previously conducted in order to consider which areas in the service area and region would promote integration and access to opportunity. For example, a PHA might find that more than half of its HCV voucher holders are of a particular racial/ethnic group and those vouchers are concentrated in R/ECAPS or other segregated areas that also lack access to the opportunity assets evaluated previously. Local data and local knowledge may also be particularly useful in identifying areas that lack rental housing or affordable rental housing and areas that have affordable rental housing where vouchers are not being used.

## **Other Publicly Supported Housing Programs**

### **Demographics**

For questions (2)(a)(i) and (ii), refer to [HUD-provided Tables]. The [HUD-provide Tables] present data by race/ethnicity for persons occupying four categories of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily, and HCV) in the service area. The tables also provide race/ethnicity data for the total population in the service area, and for persons meeting the income eligibility requirements for a relevant category of publicly supported housing. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers. To answer this question, refer to the data relating to project-based section 8 and other HUD multifamily housing for the service area.

### **Location and Occupancy**

For questions (2)(b)(i) and (ii), refer to [HUD-provided Maps], which are race/ethnicity dot density maps with a publicly supported housing overlay, including outlines of R/ECAPS, for the service area and region. In the first [HUD-provided Map], symbols representing four categories of publicly supported housing indicate the location of a development of that category of housing. Note that some developments may represent multiple buildings or projects that are not necessarily located at the same address the symbol represents. In the second [HUD-provided Map], the density of use of Section 8 vouchers is layered over a race/ethnicity dot density map. Darker shading represents a heavier concentration of

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<sup>6</sup> The term “affordable” in this context is defined as renting at or less than 30 percent of income for a household at 50 percent of area median income, or “very low-income” in the HCV program.

<sup>7</sup> The term “affordable” in this context is defined as renting at or less than 30 percent of income for a household at 50 percent of area median income, or “very low-income” in the HCV program.

<sup>8</sup> Please note that HUD is evaluating how to provide additional data on trends over time with respect to the rental stock for the PHA’s service area and region.

vouchers. The first [HUD-provided Map] does not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations are often affected differently by laws, policies and practices, resulting in significantly different siting patterns. Local knowledge may be particularly useful in answering this portion of the question.

For question (2)(b)(iii), use [HUD-provided Table], which shows the percentage of occupants in four publicly supported housing program categories (public housing, project-based Section 8, Other HUD Multifamily, and HCV) in units located either within R/ECAPs or outside of R/ECAPs for the service area and region. The table also breaks out this information by race/ethnicity, elderly and disability status. To answer the question, refer to the data on project-based Section 8 and Other HUD Multifamily assisted developments and compare the percentage of occupants sharing a protected characteristic living in units located in R/ECAPS to the percentage of occupants sharing the same protected characteristic living in units outside of R/ECAPS for the service area and region. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

For question (2)(b)(iv)(A), refer to both the [HUD-provided [data and local data and local knowledge Map](#)] for [location of LIHTC developments and to the Query Tool that are in the PHA service area. The \[HUD-provided Table\] shows can provide demographic data for the racial/ethnic composition and percentage of households with children occupying public housing. Local data and local knowledge may be informative for census tracts in which LIHTC developments are located, as well as and local data and local knowledge.](#)

Compare the demographic occupancy data of developments to other developments of the same category. In analyzing the [HUD-provided Table], be aware that the demographic occupancy information is affected by the size of the development – smaller developments may appear to have greater variance, but note that in small developments, a difference of a few units may alter the overall percentage of the occupancy demographic composition.

~~For~~ Question (2)(b)(iv)(B), ~~the [HUD-provided Table] is provided for PHAs' use, however relies on information from community participation.~~ Local data and local knowledge, including information obtained through the community participation process, may also be particularly useful in answering this portion of the question. In answering question (b)(iv), program participants should comply with the Privacy Act of 1974 (5 U.S.C. § 552a), and applicable State laws in the collection, maintenance, use and dissemination of personally identifiable information. HUD privacy requirements restrict the reporting of tenant information, including race or ethnicity or income levels, for tenant households in projects with 10 or fewer units.

For question (2)(b)(v), refer to the [HUD-provided Table and HUD-provided Map]. The [HUD-provided Table] includes development-level demographic characteristics of residents of three program categories (public housing, project-based Section 8, and Other HUD Multifamily). The [HUD-provided Map] shows the location of individual developments for four program categories (public housing, project-based Section 8, Other HUD Multifamily, and LIHTC). To answer the question, refer to the data relating to project-based section 8, and other HUD multifamily assisted developments in the PHA's service area. Note that census tract boundaries may not align with "neighborhoods" or "areas" as commonly understood at the local level, and local knowledge may be useful to assist in the comparison.

Please note that HUD will add functionality to the Data and Mapping Tool to further sort and export census tract and occupancy demographic data from the [HUD-provided Map] to generate a table for the categories of publicly supported housing (i.e., public housing, project-based Section 8, Other HUD Multifamily Assisted developments (e.g., Sections 202 and 811), and LIHTC, provided that it will exclude occupancy demographic data for LIHTC developments, which should be analyzed using local

data and local knowledge). Until such time, HUD provides program participants and the public with this data in an alternate tabular format in three ways: (1) directly to program participants, (2) through a link on the HUD Exchange AFFH webpage, and (3) as a hyperlink for download in [HUD-provided Map] of the Data and Mapping Tool.

Compare the demographic occupancy data of developments to the areas in which they are located.

To answer question (2)(b)(vi), local data and local knowledge, including information obtained through the community participation process, may be particularly useful in answering this question.

### **Disparities in Access to Opportunity**

For question (1)(c)(~~ii~~), refer to the opportunity indicators analyzed in Section D, and the [HUD-provided Maps], which are race/ethnicity dot density maps showing the locations of publicly supported housing developments and rates of Section 8 voucher utilization with R/ECAP outlines for the service area and region. Compare the locations of publicly supported housing to the [HUD-provided Maps], which depict the opportunity indicators. Note that while the location of housing may be relevant to analysis, it is not the only factor in analyzing disparities in access to opportunity. “Access” in this context encompasses consideration of infrastructure or policies related to where a person lives that impact an individual’s ability to benefit from an opportunity, such as available transportation to a job, school enrollment policies, program eligibility criteria, or local labor laws. As noted above, the [HUD-provided Map] does not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations often reveal distinct patterns. Local knowledge may be particularly useful in answering this portion of the question.

### **Additional Information**

For question (3)(a), understanding the limitations of the HUD-provided data discussed in the introduction to the instructions, using local data and knowledge, complete question (3) for the service area and region. The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, family status, and limited data on disability. Include any relevant information about other protected characteristics – but note that the analysis of disability is also specifically considered in Section V(C). Program participants may include an analysis of disability here, but still must include such analysis in Section V(C).

For question (3)(b), program participants may include any additional relevant information related to their analysis of publicly supported housing in the service area and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs, transforming R/ECAPs by addressing the combined effects of segregation coupled with poverty, increasing integration, and increasing access to opportunity, such as high-performing schools, transportation, and jobs.

### **Contributing Factors**

For question (4), consider the non-exhaustive list of factors provided, which are those most commonly associated with publicly supported housing, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to

opportunity and disproportionate housing needs in relation to publicly supported housing. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

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

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

Complete question (2).

For question (3), list the agencies and organizations that provide fair housing information in the service area and region.

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

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

### **F. Instructions for Qualified PHA Insert**

As the rule makes clear, when collaborating to submit a joint AFH, program participants may divide work as they choose. However, this assessment tool provides a template for how Non-Qualified PHAs may choose to divide the work when partnering with one or more QPHAs. The completion of this QPHA insert may serve as a useful tool for Non-Qualified PHAs wishing to solicit specific information from QPHAs in their region. It is also intended to reduce burden for QPHAs by providing a streamlined set of questions for their service area. If the collaboration elects to this division of work, a QPHA insert needs to be completed for each collaborating QPHA. Additionally, the regional portion of the QPHA analysis is expected to be fulfilled by the Non-Qualified PHA's analysis of the entire CBSA, if the PHA and QPHA are in the same CBSA. For purposes of this assessment tool, the QPHA region is defined as the CBSA. For any QPHA whose service area extends beyond the CBSA, the QPHA must include an analysis of both its service area and region.

HUD is aware of certain data limitations of the HUD-provided data, especially for rural areas, and for small geographies such as those where many QPHAs are often located. As such, local data and local knowledge, including information gathered from community participation, including from the Resident Advisory Board, may be particularly useful in addressing the questions below.

The QPHA analysis is offered only for the purposes of submitting the service area analysis of a QPHA collaborating with a Non-Qualified PHA, provided both the PHA and QPHA are in the same CBSA. If the QPHA analysis does not meet the standards for an acceptable AFH, then HUD may decide not to accept the AFH with respect to the QPHA and accept the Non-Qualified PHA's assessment. By collaborating with a QPHA, the Non-Qualified PHA is not making itself responsible for carrying out the

QPHA portion of the assessment nor accountable for AFH goals that are specifically designated as QPHA goals, unless the Non-Qualified PHA and QPHA have joint goals.

If the PHA and QPHA believe the QPHA insert provided in this assessment tool is not beneficial for the purposes of conducting the required analysis for the QPHA, they may exclude this set of questions from their analysis, provided the main assessment tool questions are completed as to the QPHA’s jurisdiction and region. All program participants are accountable for the analysis conducted at the jurisdictional and regional levels as well as any joint goals and priorities. Program participants are also accountable for their individual analysis, goals, and priorities. (See § 5.156(a)(3)). For example, in a joint collaboration involving a Non-Qualified PHA and two QPHAs, the Non-Qualified PHA may conduct certain parts of the joint analysis and the QPHAs may conduct other parts, provided all necessary parts are completed. HUD believes it is best left to the program participants in a joint or regional collaboration to decide how their individual expertise may best contribute to a joint or regional AFH, provided it is consistent with the AFFH rule.

#### Segregation/Integration

For question 1, refer to [HUD-provided Maps]. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation section of the main assessment tool for additional information related to the maps and tables.

#### R/ECAPs

For question 2, refer to [HUD-provided Maps and Table]. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the R/ECAPs section of the main assessment tool for additional information related to the maps and tables.

#### Disparities in Access to Opportunity

For question 3, refer to [HUD-provided Maps]. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disparities in Access to Opportunity section of the main assessment tool for additional information related to the maps and tables.

#### Disproportionate Housing Needs

For question 4, refer to [HUD-provided Tables], local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disproportionate Housing Needs section of the main assessment tool for additional information related to the maps and tables.

#### Publicly Supported Housing

For question 5.a., refer to [HUD-provided Table/Map]. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Demographics subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question 5.b.i., refer to [HUD-provided Maps]. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation and R/ECAPs subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question 5.b.ii., refer to [HUD-provided Table]. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation and R/ECAPs subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question 5.b.iii., refer to Table 8. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Segregation and R/ECAPs subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question 5.c., refer to [HUD-provided Maps]. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disparities in Access to Opportunity subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question 5.d.i., refer to [HUD-provided table with PHA demographics] and [HUD-provided Tables] with information on Disproportionate Housing Needs. For question 6.d.ii., refer to [HUD-provided Table]. Local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disproportionate Housing Needs subsection of the Publicly Supported Housing section of the main assessment tool for additional information related to the maps and tables.

For question 5.e., local data and local knowledge, including information obtained through the community participation process, will be particularly useful.

For question 5.f., local data and local knowledge, including information obtained through the community participation process, will be particularly useful.

#### Disability and Access

For questions 6.a., refer to [HUD-provided Maps]. For questions 6.a-c., local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question. Program participants may refer to the instructions for the Disability and Access section of the main assessment tool for additional information related to the maps and tables.

#### Fair Housing Enforcement

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

## [Additional QPHA Information](#)

[For question 8, local data and local knowledge, including information obtained through the community participation process, will be particularly useful in answering the question.](#)

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

To answer question (1), use the contributing factors selected in prior sections and prioritize them. In prioritizing contributing factors, program participants shall give the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance. Provide a justification for the prioritization of the factors. Also describe the prioritization method used. For example, if using a 1 through 5 ranking system, identify whether 1 or 5 reflects the highest priority.

Note that contributing factors may be outside the ability of PHAs to directly control or influence. In such cases, those factors must be included in the prioritization. There still may be policy options or goals that PHAs should identify, while recognizing the limitations involved.

For question (2), set one or more goals to address each fair housing issue with significant contributing factors. For each goal, PHAs must identify one or more contributing factors that the goal is designed to address, describe how the goal relates to overcoming the identified contributing factor(s) and related fair housing issue, and identify metrics and milestones for determining what fair housing results will be achieved. For instance, where segregation in a development or geographic area is determined to be a fair housing issue, with at least one significant contributing factor, HUD would expect the AFH to include one or more goals to reduce the segregation.

In answering question (2), use the table provided. Provide at least one goal addressing each fair housing issue. In the “Goals” column, state the goal that is being set. In the “Contributing Factors” column, identify the contributing factors the goal is designed to overcome. In the “Fair Housing Issues” column, identify the related fair housing issues the goal is designed to address. In the “Metrics and Milestones” column, identify the metrics and milestones program participants will use for determining what fair housing results will be achieved and a timeframe for achievement. Finally, in the “Discussion” row, provide an explanation of how the goal being set is going to address the contributing factors and related fair housing issues. For PHAs submitting jointly, denote which PHA is responsible for each particular goal. If PHAs are setting joint goals, explain the responsibilities of each PHA with respect to the joint goal. Please note that the number of goals is not limited by the table provided. PHAs are encouraged to set more goals than the table allows for currently.<sup>9</sup>

While the statutory duty to affirmatively further fair housing requires PHAs to affirmatively further fair housing, the final rule does not mandate specific outcomes for the planning process. Instead, recognizing the importance of local decision-making, the analysis conducted in the AFH is meant to help guide PHAs’ fair housing planning to be better informed about fair housing concerns and consequently help PHAs to be better positioned to fulfill their obligation to affirmatively further fair housing.

PHAs should note that the strategies and actions, and the specifics of funding decisions, PHA plan, or other applicable planning process are not required to be in the AFH. However, the goals set by PHAs will factor into these planning processes. These goals will form the basis for strategies and actions in the subsequent planning documents. As stated in the regulatory text at 24 C.F.R. § 5.150, “a program

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<sup>9</sup> 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.

participant’s strategies and actions must affirmatively further fair housing and may include various activities, such as developing affordable housing, and removing barriers to the development of such housing, in areas of high opportunity; strategically enhancing access to opportunity, including through targeted investment in neighborhood revitalization or stabilization; through preservation or rehabilitation of existing affordable housing; promoting greater housing choice within or outside areas of concentrated poverty and access to areas of high opportunity; and improving community assets such as quality schools, employment, and transportation.” Goals addressing fair housing choice may include, for example, enhanced mobility options that afford access to areas of high opportunity.

### **Certification and Submission**

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

## **APPENDIX B – Contributing Factors Descriptions**

### **Access to financial services**

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

### **Access ~~to proficient schools~~ for persons with disabilities to proficient schools**

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

### **Access to publicly supported housing for persons with disabilities**

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

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

Individuals with disabilities may face unique barriers to accessing transportation, including both public

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

### **Admissions and occupancy policies and procedures, including preferences in publicly supported housing**

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

1. Admissions preferences (e.g. residency preference, preferences for local workforce, etc.)
2. Application, admissions, and waitlist policies (e.g. in-person application requirements, rules regarding applicant acceptance or rejection of units, waitlist time limitations, first come first serve, waitlist maintenance, etc.).
- ~~3. Income thresholds for new admissions or for continued eligibility.~~
- ~~3. Credit or criminal record policies.~~
4. Designations of housing developments (or portions of developments) for the elderly and/or persons with disabilities.
- ~~5. Occupancy limits.~~
- ~~6. Housing providers’ policies for processing reasonable accommodations and modifications requests.~~
- ~~7. Credit or criminal record policies.~~
5. Domestic Violence (displacement due to domestic violence, defined as actual or threatened physical violence directed against another person, and accessibility to permanent affordable housing is a crucial step toward safety and stability for domestic violence survivors).
- ~~8-6. Eviction policies and procedures.~~
7. The Housing providers’ policies for processing reasonable accommodations and modifications requests Income thresholds for new admissions or for continued eligibility.
8. Occupancy limits.

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

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

### **The Availability, type, frequency, and reliability of public transportation**

Public transportation is shared passenger transport service available for use by the general public, including buses, light rail, and rapid transit. Public transportation includes paratransit services for persons with disabilities. The availability, type, frequency, and reliability of public transportation affect which

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

### **Community opposition**

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

### **Deteriorated and abandoned properties**

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

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

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

### **Impediments to mobility**

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

- Lack of quality mobility counseling. Mobility counseling is designed to assist families in moving from high-poverty to low-poverty neighborhoods that have greater access to opportunity assets

appropriate for each family (e.g. proficient schools for families with children or effective public transportation.). Mobility counseling can include a range of options including, assistance for families for “second moves” after they have accessed stable housing, and ongoing post-move support for families.

- Jurisdictional fragmentation among multiple providers of publicly supported housing that serve single metropolitan areas and lack of regional cooperation mechanisms, including PHA jurisdictional limitations.
- Lack of a consolidated waitlist for all assisted housing available in the metropolitan area.
- [Lack of source of income protection](#) or discrimination based on source of income, including SSDI, Housing Choice Vouchers, or other tenant-based rental assistance.

### **Impediments to Portability**

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

### **Inaccessible buildings, sidewalks, pedestrian crossings, public or other private infrastructure**

Many public buildings, sidewalks, pedestrian crossings, or other infrastructure components are inaccessible to individuals with disabilities including persons with mobility impairments, individuals who are deaf or hard of hearing, and persons who are blind or have low vision. These accessibility issues can limit realistic housing choice for individuals with disabilities. Inaccessibility is often manifest by the lack of curb cuts, lack of ramps, and the lack of audible pedestrian signals. While the Americans with Disabilities Act and related civil rights laws establish accessibility requirements for infrastructure, these laws do not apply everywhere and/or may be inadequately enforced.

### **Inaccessible government facilities or services**

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

### **Lack of access to opportunity due to high housing costs**

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

payment standards or acceptance of vouchers), and use of LIHTC for new construction of affordable housing opportunities.

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

What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. For purposes of this assessment, “accessible housing” refers to housing that accords individuals with disabilities 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, or lack of information about affordable accessible housing. The clustering of affordable, accessible housing with a range of unit sizes may also limit fair housing choice for individuals with disabilities.

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

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

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

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

bathing, dressing, and using the toilet, shopping, managing money or medications, and various household management activities, such as doing laundry.

#### **Lack of assistance for housing accessibility modifications**

~~The term “housing accessibility modification” refers here to structural changes made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment and use of the premises. Housing accessibility modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Under the Fair Housing Act, landlords are required by fair housing laws to permit certain reasonable modifications to a housing unit, but are not required to pay for the modification unless the housing provider is a recipient of Federal financial assistance and therefore subject to Section 504 of the Rehabilitation Act or is covered by the Americans with Disabilities Act (in such cases the recipient must pay for the structural modification as a reasonable accommodation for an individual with disabilities). However, the cost of these modifications can be prohibitively expensive. Jurisdictions may consider establishing a modification fund to assist individuals with disabilities in paying for modifications or providing assistance to individuals applying for grants to pay for modifications.~~

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

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

#### **Lack of community revitalization strategies**

The term “community revitalization strategies” refers here to realistic planned activities to improve the quality of life in areas that lack public and private investment, services and amenities, have significant deteriorated and abandoned properties, or other indicators of community distress. Revitalization can include a range of activities such as improving housing, attracting private investment, creating jobs, and expanding educational opportunities or providing links to other community assets. Strategies may include such actions as rehabilitating housing; offering economic incentives for housing developers/sponsors, businesses (for commercial and employment opportunities), bankers, and other

interested entities that assist in the revitalization effort; and securing financial resources (public, for-profit, and nonprofit) from sources inside and outside the jurisdiction to fund housing improvements, community facilities and services, and business opportunities in neighborhoods in need of revitalization. When a community is being revitalized, the preservation of affordable housing units can be a strategy to promote integration.

### **Lack of job training programs**

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

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

The term “local private fair housing outreach and enforcement” refers to outreach and enforcement actions by private individuals and organizations, including such actions as fair housing education, conducting testing, bring lawsuits, arranging and implementing settlement agreements. A lack of private enforcement is often the result of a lack of resources or a lack of awareness about rights under fair housing and civil rights laws, which can lead to under-reporting of discrimination, failure to take advantage of remedies under the law, and the continuation of discriminatory practices. Activities to raise awareness may include technical training for housing industry representatives and organizations, education and outreach activities geared to the general public, advocacy campaigns, fair housing testing and enforcement.

### **Lack of local or regional cooperation**

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

### **Lack of local public fair housing enforcement**

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

### **Lack of meaningful language access**

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

### **Lack of public and private investment in specific neighborhoods, including services or amenities**

The term “public investment” refers here to the money government spends on housing and community development, including public facilities, infrastructure, and services. Services and amenities refer to

services and amenities provided by local or state governments. These services often include sanitation, water, streets, schools, emergency services, social services, parks and transportation. Lack of or disparities in the provision of municipal and state services and amenities have an impact on housing choice and the quality of communities. Inequalities can include, but are not limited to disparity in physical infrastructure (such as whether or not roads are paved or sidewalks are provided and kept up); differences in access to water or sewer lines, trash pickup, or snow plowing. Amenities can include, but are not limited to recreational facilities, libraries, and parks. Variance in the comparative quality and array of municipal and state services across neighborhoods impacts fair housing choice.

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

#### ~~Lack of public investment in specific neighborhoods, including services or amenities~~

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

#### ~~Lack of regional cooperation~~

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

#### ~~Lack of resources for fair housing agencies and organizations~~

~~A lack of resources refers to insufficient resources for public or private organizations to conduct fair housing activities including testing, enforcement, coordination, advocacy, and awareness-raising. Fair housing testing has been particularly effective in advancing fair housing, but is rarely used today because of costs. Testing refers to the use of individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective buyers or renters of real estate for the purpose of gathering information, which may indicate whether a housing provider is complying with fair housing~~

laws. “Resources” as used in this factor can be either public or private funding or other resources. Consider also coordination mechanisms between different enforcement actors.

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

State and local fair housing laws are important to fair housing outcomes. Consider laws that are comparable or “substantially equivalent” to the Fair Housing Act or other relevant federal laws affecting fair housing laws, as well as those that include additional protections. Examples of state and local laws affecting fair housing include legislation banning source of income discrimination, protections for individuals based on sexual orientation, age, survivors of domestic violence, or other characteristics, mandates to construct affordable housing, and site selection policies. Also consider changes to existing State or local fair housing laws, including the proposed repeal or dilution of such legislation.

### **Land use and zoning laws**

The term “land use and zoning laws” generally refers to regulation by State or local government of the use of land and buildings, including regulation of the types of activities that may be conducted, the density at which those activities may be performed, and the size, shape and location of buildings and other structures or amenities. Zoning and land use laws affect housing choice by determining where housing is built, what type of housing is built, who can live in that housing, and the cost and accessibility of the housing. Examples of such laws and policies include, but are not limited to:

- Limits on multi-unit developments, which may include outright bans on multi-unit developments or indirect limits such as height limits and minimum parking requirements.
- Minimum lot sizes, which require residences to be located on a certain minimum sized area of land.
- Occupancy restrictions, which regulate how many persons may occupy a property and, sometimes, the relationship between those persons (refer also to occupancy codes and restrictions for further information).
- [Lack of](#) inclusionary zoning practices that mandate or incentivize the creation of affordable units.
- Requirements for special use permits for all multifamily properties or multifamily properties serving individuals with disabilities.
- Growth management ordinances.

### **Lending Discrimination**

~~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.~~

### **Local Restrictions or Requirements for Landlords Renting to Voucher holders**

- Some jurisdictions Restriction or allowance of provision of services to persons experiencing homelessness, such as including transitional shelters, day shelters, soup kitchens, or other provision of services

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

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

### **Local Restrictions or Requirements for Landlords Renting to Voucher-holders**

Some service areas require additional inspections, licenses, permits, paperwork, etc. for landlords hoping to rent to voucher holders. Some jurisdictionsservice areas also maintain ~~more strict~~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.

### **Location of accessible housing**

The location of accessible housing can limit fair housing choice for individuals with disabilities. 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, 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**

The geographic relationship of job centers and large employers to housing, and the linkages between the two (including, in particular, public transportation) are important components of fair housing choice.

Include consideration of the type of jobs available, variety of jobs available, job training opportunities, benefits and other key aspects that affect job access.

### **Location of environmental health hazards**

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

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

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

### **Location and type of affordable housing**

Affordable housing includes, but is not limited to publicly supported housing; however, each category of publicly supported housing often serves different income-eligible populations at different levels of affordability. What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. The location of housing encompasses the current location as well as past siting decisions. The location of affordable housing can limit fair housing choice, especially if the housing is located in segregated areas, R/ECAPs, or areas that lack access to opportunity. The type of housing (whether the housing primarily serves families with children, elderly persons, or persons with disabilities) can also limit housing choice, especially if certain types of affordable housing are located in segregated areas, R/ECAPs, or areas that lack access to opportunity, while other types of affordable housing are not. The provision of affordable housing is often important to individuals with protected characteristics because they are disproportionately represented among those that would benefit from low-cost housing. The location and type of affordable housing can also include the location of Housing Choice Voucher households, which may be a result of inadequate Fair Market Rents, payment standards that are too low, the failure of PHAs to provide sufficient landlord outreach, or other reasons.

### **Nuisance laws**

Nuisance ordinances – also called disorderly house ordinances or crime free ordinances – label a property as a nuisance when it is the site of a certain number of calls for police or alleged nuisance conduct (a category that can include assault, harassment, stalking, disorderly conduct, and many other kinds of behavior). These laws usually apply regardless of whether a resident was a victim of the nuisance activity. Local nuisance ordinances can negatively impact crime victims by endangering their housing security and housing choice by creating barriers through evictions and/or threats to evict, as well as penalties for property owners based on the number of times police are called. An eviction record, particularly one for nuisance conduct, makes it difficult for tenants to secure replacement housing and an

[eviction can exacerbate and increase a crime victim’s risk of homelessness. The existence of a nuisance ordinance in a community can also limit housing opportunities for renters if housing providers assume that the renter will be victims of crime or domestic violence.](#)

### **Occupancy codes and restrictions**

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

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

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

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

HUD approval is required for exception payment standards. PHAs may propose using Small area FMRs, which vary by zip code, in the determination of potential exception payment standards. A PHA’s policies regarding the use of exception payment standards and small area FMRs may affect the extent to which HCV-assisted households may be able to find housing in different neighborhoods with varying rents. HUD also recognizes that setting the basic payment standard between 90 and 110 percent of FMR involves important policy and financial considerations, including the total number of families served, success and leasing rates and the need to avoid displacement of existing families. [Additionally, low FMRs and payment standards in costly rental markets can prohibit mobility and portability](#)

### **Private Discrimination**

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

- ~~• Refusal of housing providers to rent to individuals because of a protected characteristic.~~
- ~~• The provision of disparate terms, conditions, or information related to the sale or rental of a dwelling to individuals with protected characteristics.~~
- ~~• Steering of individuals with protected characteristics by a real estate agent to a particular neighborhood or area at the exclusion of other areas.~~
- ~~• Failure to grant a reasonable accommodation or modification to persons with disabilities.~~

- ~~Prohibitions, restrictions, or limitations on the presence or activities of children within or around a dwelling.~~

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

### **Quality of affordable housing information programs**

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

- How comprehensive the information is (e.g. that the information provided includes a 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.

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

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

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

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**

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.](#)

**State or local laws, policies, or practices that discourage individuals with disabilities from being placed in or living in apartments, family homes, and other integrated settings**

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

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

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