

Assessment of Fair Housing Tool for States and Insular Areas

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I. Cover Sheet

1. Submission date:
2. Submitter name:
3. Type of submission (*e.g.*, single program participant, joint submission):
4. Type of program participant(s) (*e.g.*, State, Insular Area, PHA):
5. For PHAs, State in which the PHA is located:
6. Submitter members (if applicable):
7. Sole or lead submitter contact information:
 - a. Name:
 - b. Title:
 - c. Department:
 - d. Street address:
 - e. City:
 - f. State:
 - g. Zip code:
8. Period covered by this assessment:
9. Initial, amended, or renewal AFH:
10. To the best of its knowledge and belief, the statements and information contained herein are true, accurate, and complete and the program participant 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;
11. The program participant 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. §§ 91.225(a)(1), 91.325(a)(1), 91.425(a)(1), 570.487(b)(1), 570.601, 903.7(o), and 903.15(d), as applicable.

(Signature) (date)

(Signature) (date)

(Signature) (date)

12. Departmental acceptance or non-acceptance:

(Signature) (date)

Comments

NOTE: All references to “States” should be read to include “Insular Areas.”

II. Executive Summary

1. 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. For PHAs, identify your meetings with the Resident Advisory Board.
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. 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 program participant(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.
 - 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). Include a description of any oversight, coordination, or assistance of other public entities' goals, actions, and strategies, including those within State or region.
 - 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 program participant(s) with past goals has influenced the selection of current goals.

V. Fair Housing Analysis

A. Demographic Summary

1. If the State is choosing to perform its analysis using sub-State areas, identify and describe these areas and explain why the use of these sub-State areas will facilitate a meaningful assessment from a fair housing perspective.
2. Describe demographic patterns in the State, and describe trends over time (since 1990).

B. General Issues

i. Segregation/Integration

1. Analysis

- a. Describe and compare segregation levels in different areas within the State, and identify the predominant racial/ethnic, national origin, or LEP group(s) living in each area with relatively high segregation. Based on the dissimilarity index, identify the racial/ethnic groups that experience the highest levels of segregation.
- b. Identify areas with relatively high segregation and integration in the region, and identify the predominant racial/ethnic, national origin, or LEP group(s) living in each area with relatively high segregation. Based on the dissimilarity index, identify the racial/ethnic groups that experience the highest levels of segregation.
- c. Explain how different areas with relatively high segregation and integration in the State and region have changed over time (since 1990).
- d. Discuss whether there are any demographic trends, laws, policies, or practices that could lead to higher segregation in the State in the future.

2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about segregation in the State and region affecting groups with other protected characteristics.
- b. The program participant 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 State and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of segregation.

- Community Opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific areas within the State
- Lack of public investments in specific areas within the State, including services or amenities
- Lack of State, regional, or other inter-governmental cooperation

- Land use and zoning laws
- Lending Discrimination
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Other

ii. **R/ECAPs**

1. Analysis

- a. Identify any R/ECAPs or groupings of R/ECAPs within the State and region.
- b. Which protected classes disproportionately reside in R/ECAPs in the State, including any sub-State area(s) used for analysis?
- c. Describe how R/ECAPs and groupings of R/ECAPs in the State and region have changed over time (since 1990).
- d. Describe any larger demographic trends, laws, policies, practices, or other factors that may impact R/ECAPS in the State or region, in the future.

2. Additional Information

The program participant 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 State 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 private investments in specific areas within the State
- Lack of public investments in specific areas within the State, including services or amenities
- Lack of State, regional, or other inter-governmental cooperation
- Land use and zoning laws
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Other

iii. **Disparities in Access to Opportunity**

1. Analysis

a. Education

- i. Describe any disparities in access to proficient schools in the State based on race/ethnicity, national origin (including LEP persons), and family status.
- ii. Describe the relationship between the residency patterns of racial/ethnic, national origin (including LEP persons), family status groups, and their proximity to proficient schools in the State.
- iii. Describe education programs, policies, and funding in the State and how they impact a student's ability to attend a proficient school. Include in the description which protected class groups are least successful in accessing proficient schools.
- iv. Describe how education-related laws, policies, and practices, such as admissions policies, tuition assistance, financial aid, and funding, affect the ability of residents of different areas of the State to attend postsecondary and vocational education. Which protected class groups are least successful in accessing postsecondary and vocational educational opportunities?
- v. Describe any other laws, policies, and practices in the State and region affecting disparities in access to educational opportunities for protected class groups.

b. Employment

- i. Describe any disparities in access to employment and labor markets by protected class in the State and region.
- ii. How does a person's place of residence in the State affect their ability to obtain employment?
- iii. Describe State programs designed to create jobs and job training programs, and identify areas in the State that such programs serve. Which protected class groups are least successful in accessing such programs?
- iv. Describe any laws, policies, practices, and conditions that affect the ability of members of protected class groups to obtain employment in the State and region. Include a description of any fair housing issues affecting migrant worker populations.

c. Transportation

- i. Describe any disparities in access to transportation by protected class related to place of residence, transportation type, cost, or other transportation-related factors in the State.
- ii. Which racial/ethnic, national origin (including LEP persons), or family status groups are most affected by the lack of a reliable, affordable, transportation connection between their place of residence and opportunities in the State and region?

- iii. Describe how the State's and region's transportation programs and policies, such as public transportation infrastructure, routes or transportation systems, including those transportation routes designed for use of personal vehicles, and transportation funding affect the ability of protected class groups in the State to access transportation. Describe any relevant interstate compacts or other arrangements that may affect access to transportation opportunities for protected class groups.

d. Access to Low Poverty Neighborhoods

- i. Describe any disparities in exposure to poverty by protected class in the State. Which racial/ethnic, national origin (including LEP persons), or family status groups are most affected by these poverty indicators in the State?
- ii. What role does a person's place of residence play in their exposure to poverty in the State and region? Describe any patterns based on protected class.
- iii. Describe how the State's programs and policies affect the ability of protected class groups to access low poverty areas.

e. Access to Environmentally Healthy Neighborhoods

- i. Describe any disparities in access to environmentally healthy areas within the State by protected class group.
- ii. Which racial/ethnic, national origin (including LEP persons), or family status groups have the least access to environmentally healthy areas within the State?
- iii. Describe any environmental laws, programs, policies, and practices (e.g., emissions standards, clean drinking water standard, lead-based paint standards) siting of industrial and energy facilities) in the State and region that affect access to environmentally healthy places of residence for members of protected class groups in the State. Include any relevant interstate compacts or other arrangements.

f. Patterns in Disparities in Access to Opportunity

Identify and discuss any overarching patterns of access to opportunity and exposure to adverse community factors by protected class in the State or region. Identify areas that experience an aggregate of poor access to opportunity and high exposure to adverse community factors in the State and region. Include how these patterns compare to patterns of segregation and R/ECAPs in the State 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 State and region affecting groups with other protected characteristics.
- b. The program participant should 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 at promoting access to opportunity

(e.g., proficient schools, employment opportunities, and transportation). There may also be other categories in which the State has identified disparities, (e.g., opportunities or lack thereof related to emergency preparedness, public safety, public health, housing finance and other financial services, prisoner re-entry) related to protected class and place of residence, which the State should also describe.

3. Contributing Factors

Consider the listed factors and any other factors affecting the State and region.

Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disparities in access to opportunity.

- Access to financial services
- The availability, type, frequency, and reliability of public transportation
- Lack of private investments in specific areas within the State
- Lack of public investments in specific areas within the State, including services or amenities
- Lack of State, regional, or other inter-governmental cooperation
- Land use and zoning laws
- Lending Discrimination
- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Other

iv. Disproportionate Housing Needs

1. Analysis

- a. Which groups in the State (by race/ethnicity and family status) experience higher rates of housing cost burden, overcrowding, or substandard housing when compared to other groups? Which groups also experience higher rates of severe housing burdens when compared to other groups in the State?
- b. In which areas in the State do residents experience the greatest housing burdens? 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. Describe any demographic trends, conditions, or other factors that impact disproportionate housing needs in the State and region.

2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the State affecting groups with other protected characteristics.

- b. The program participant may also describe other information relevant to its assessment of disproportionate housing needs. For PHAs, such information 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 State and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disproportionate housing needs.

- The availability of affordable units in a range of sizes
- Displacement of residents due to economic pressures
- Lack of private investments in specific areas within the State
- Lack of public investments in specific areas within the State, including services or amenities
- Land use and zoning laws
- Lending Discrimination
- Other

C. Publicly Supported Housing Analysis

1. Analysis

a. Publicly Supported Housing Demographics

- i. Are certain racial/ethnic groups in the State more likely to be residing in one category of publicly supported housing than other categories (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and Housing Choice Voucher (HCV))?
- ii. Compare the demographics, in terms of protected class, of residents of each category of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and HCV) to the population in general, and persons who meet the income eligibility requirements for the relevant category of publicly supported housing. Include in the comparison, a description of whether there is a higher or lower proportion of particular groups based on protected class.

b. Publicly Supported Housing Location and Occupancy

- i. Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs.
- ii. Describe patterns in the geographic location of publicly supported housing in the State that primarily serves families with children, elderly persons, or persons with disabilities in relation to previously discussed segregated areas or R/ECAPs?

- iii. Describe how the patterns of demographic composition of occupants of publicly supported housing in the State vary depending on whether they are located in R/ECAPS or outside of R/ECAPS?
- iv. Explain how the occupancy demographic patterns by protected class of each category of publicly supported housing in the State relate to the demographic patterns of the areas in the State in which the housing is located.
- v. Describe any laws, policies, and practices that affect the ability of protected class groups to access each category of publicly supported housing in the State.

c. Low Income Housing Tax Credits (LIHTC)

- i. Identify provisions of the State's Qualified Allocation Plan (QAP) or other state or local laws or policies that may influence the location of LIHTC units and which protected class groups have access to them in relation to areas with relatively high levels of segregation, R/ECAPS, and areas with access to opportunity, including the influence of the provisions listed below. Consider how such provisions may affect families with children, individuals with disabilities or the elderly differently:
 - 1. How “concerted community revitalization plans” are defined for purposes of 26 U.S.C. § 42(m)(1)(B)(ii)(III), and what standards or review processes are in place to assess the plans.
 - 2. Incentives for locating projects in particular areas or areas with particular characteristics.
 - 3. Requirements or preferences for project applicants to have approval or support from the local jurisdiction in which a proposed project would be located.
 - 4. Affirmative marketing requirements related to protected class.
 - 5. Preferences, points or threshold criteria for projects serving particular protected class groups (e.g., points for projects serving elderly, particular affordability requirements).
- ii. How does the administration of funds used for gap financing or otherwise leveraging LIHTC developments (e.g., HOME, Tax Increment Financing, tax-exempt bonds, other tax credits) affect the location of LIHTC units in relation to patterns of segregation, R/ECAPS, and areas with access to opportunity.
- iii. Describe whether the State is aware of information indicating discrimination against voucher holders by LIHTC properties or against members of particular protected classes. Describe the State’s oversight and enforcement of use agreements prohibiting discrimination against voucher-holders.

d. Other State Administered Programs Related to Housing and Urban Development

- i. Describe how the administration of CDBG, HOME, and the National Housing Trust Fund programs may affect patterns of segregation, R/ECAPS, disparities in access to opportunity and disproportionate housing needs.
- ii. Beyond the HUD-provided data, provide additional information about other related State housing programs relating to fair housing issues, including any State housing trust funds.

e. Disparities in Access to Opportunity

Describe any disparities in access to opportunity for residents of publicly supported housing in the State, including within different program categories (public housing, project-based Section 8, Other HUD Multifamily Assisted Developments, HCV, and LIHTC) and between types of publicly supported housing (housing primarily serving families with children, elderly persons, and persons with disabilities).

2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about publicly supported housing in the State, particularly information about groups with other protected characteristics and about housing not captured in the HUD-provided data.
- b. The program participant 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.

3. Contributing Factors-of Publicly Supported Housing Location and Occupancy

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

- Admissions and occupancy policies and procedures, including preferences in publicly supported housing
- Land use and zoning laws
- Community opposition
- Impediments to mobility
- Lack of private investment in specific areas within the State
- Lack of public investment in specific areas within the State, including services and amenities
- Lack of State, regional, or other inter-governmental cooperation
- Occupancy codes and restrictions
- Quality of affordable housing information programs
- Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
- Source of income discrimination
- Other

D. Disability and Access Analysis

1. Population Profile

- a. How are persons with disabilities geographically dispersed or concentrated in the State, 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 the areas in the State where affordable accessible housing units are located. Do they align with R/ECAPs or other areas that are segregated within the State?
- b. Describe the extent to which the supply of accessible housing aligns with the demand for such housing in particular areas within the State. Include the extent to which individuals with disabilities who require accessible housing move out of or into the State to obtain accessible housing.
- c. To what extent are persons with different disabilities able to access and live in the different categories of publicly supported housing in the State?
- d. Describe any disability-specific housing programs or preferences in the State, including Non-Elderly Disabled (NED) vouchers, LIHTC or other set-asides, PHA preferences, and targeted remedial preferences.

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

- a. To what extent do persons with disabilities in the State or region reside in segregated or integrated settings? Include the extent to which the State uses institutional settings outside of the State to provide health care services to State residents who are individuals with disabilities.
- b. Describe the State's effort to assess the extent to which people with disabilities reside in segregated settings and any barriers to conducting such an assessment.
- c. Describe the range of options for persons with disabilities to access affordable housing and supportive services in the State, including access to affordable housing and supportive services.
- d. Describe the State's *Olmstead* planning efforts, including any *Olmstead* plans, any existing or efforts to implement remedial preferences to provide housing in integrated, community-based settings for persons with disabilities in the State.
- e. To what extent are the following categories of persons with disabilities able to access housing in integrated, community based settings in the State: children (including foster care placements and access to medical services), persons at risk of institutionalization, individuals with mental health disabilities, individuals with intellectual or developmental disabilities; individuals who are blind, individuals who are deaf, individuals with mobility disabilities, and any other identified categories of persons with disabilities.
- f. Describe the State's efforts or plans to transition individuals with disabilities to integrated settings, including timeframes and goals adopted by the State. Include the State's efforts to transfer individuals with disabilities to integrated, community based settings from the following types of facilities: nursing facilities, board and care and adult care facilities, mental health facilities, institutions for individuals with intellectual or developmental

disabilities, day activity centers or supported employment services, and schools, among others.

- g. Describe any partnerships between local and state housing agencies and other agencies, including supportive services, healthcare, education, and criminal justice, to facilitate community integration of individuals with disabilities and to identify affordable, accessible, integrated housing opportunities.

4. Disparities in Access to Opportunity

- a. To what extent are persons with disabilities in the State able to access the following in the State? Identify major barriers faced concerning:
 - i. Government services and facilities
 - ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals)
 - iii. Transportation
 - iv. Proficient schools and educational programs, including post-secondary and vocational educational opportunities
 - v. Jobs
 - vi. Recreational facilities
 - vii. Criminal justice diversion and post-incarceration reentry services
- b. Describe the processes that exist in the State for persons with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.
- c. Describe any difficulties in achieving homeownership experienced by persons with disabilities and by persons with different types of disabilities in the State.

5. Disproportionate Housing Needs

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

6. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disability and access issues in the State and region.
- b. The program participant 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 State 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, R/ECAPs, 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 to transportation for persons with disabilities
- Inaccessible government facilities or services
- Inaccessible sidewalks, pedestrian crossings, or other infrastructure
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, accessible housing in range of unit sizes
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of assistance for housing accessibility modifications
- Lack of assistance for transitioning from institutional settings to integrated housing
- Land use and zoning laws
- Lending Discrimination
- Location of accessible housing
- Occupancy codes and restrictions
- Regulatory barriers to providing housing and supportive services for persons with disabilities
- 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
- Other

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

1. Analysis

- a. List and summarize any of the following that have not been resolved involving the State: 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.
- b. Describe any state or local fair housing laws. What characteristics are protected under each law?
- c. Identify any State and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.

2. Additional Information

- a. Provide additional relevant information, if any, about fair housing enforcement, outreach capacity, and resources in the State and region.
- b. The program participant may also include information relevant to programs, actions, or activities to promote fair housing outcomes and capacity.

3. Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors

Consider the listed factors and any other factors affecting the State and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to fair housing enforcement, outreach capacity, and resources and the fair housing issues, which are Segregation, R/ECAPs, 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.

- Lack of State or local private fair housing outreach and enforcement
- Lack of State or 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. Qualified PHA Service Area Questions

1. Segregation/Integration

Describe any areas of segregation and integration in the QPHA's service area. 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. 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, 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 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.

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.
- 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.
- 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. Identify any disparities in access to each opportunity by protected class group.

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 with disproportionate housing needs.
- ii. Compare the needs of families with children in the Qualified PHA's service area for housing units with two, and three or more bedrooms, with the PHA'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. 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.

6. Disability and Access

- a. Describe how persons with disabilities are geographically dispersed or concentrated in the QPHA service area, including whether persons with disabilities reside in R/ECAPs and other segregated areas identified previously, and describe whether these geographic patterns vary for persons with each type of disability of persons with disabilities in different age ranges.
- b. Describe whether the PHA's service area has sufficient affordable, accessible housing in a range of unit sizes, describe the areas where affordable accessible housing units are located, and identify to what extent persons with different disabilities are able to access and live in the different categories of publicly supported housing.
- c. Describe to what extent persons with disabilities in the PHA's service area 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.

- 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 Program Participant(s)</u>
Discussion:				

Assessment of Fair Housing (AFH) for States and Insular Areas Instructions

Introduction

Program participants conducting an assessment of fair housing as required under the affirmatively furthering fair housing rule, published at 80 FR 42272, are required to use the Assessment Tool when conducting and submitting an Assessment of Fair Housing (AFH). 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 States and Insular Areas that receive Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG), or Housing Opportunities for Persons with AIDS (HOPWA) formula funding from HUD when conducting and submitting their own Assessment of Fair Housing (AFH). In this Assessment Tool and Instructions, all references to “States” are inclusive of “Insular Areas.”

All program participants must use the HUD-provided data, which includes data for the jurisdiction and region, to complete the AFH. A joint or regional AFH must reference the HUD-provided data for each program participant’s State and region. The Assessment Tool and HUD-provided data will be used by various types of program participants (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 program participants 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 local data and local knowledge defined in 24 C.F.R. § 5.152 and discussed below.

Although a State is not generally expected to provide the level of neighborhood analysis that local governments conduct, HUD is providing States with the similar data in the AFFH Data and Mapping Tool so that this more granular analysis can be conducted where necessary or appropriate. The assessment of areas not covered by AFHs conducted by local governments is an important focus for States as they determine how their AFFH oversight responsibilities should be carried out throughout the State. At the same time, the AFH must also include an analysis of fair housing issues throughout the State. This analysis may be informed by consulting the Analysis of Impediments (AIs) to Fair Housing Choice or AFHs of local governments within the State to inform the State’s analysis, including the identification of contributing factors and establishment of priorities and goals at the State level.

For some States, and especially larger States, it may be helpful to break up the geography of the State into different sub-State areas to conduct analysis of fair housing issues and contributing factors that may be unique in different parts of the State. HUD hopes to be able to provide the capability in the AFFH Data and Mapping Tool to allow States to group data based on a selection of counties to develop custom sub-State areas. Note, however, that if the State chooses to utilize sub-State areas, it still must conduct an analysis of the entire State.

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 program participants 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 program participants' analyses.

Fair housing issues can cross-geographic, jurisdictional, or political boundaries, and the laws, policies, practices, and trends of one State may affect fair housing choice in another. As such, regional fair housing issues may be occurring beyond the State's own borders. Regional issues beyond a State's border may include portions of major metropolitan statistical areas that cross over into another State or may encompass broader regional patterns or trends affecting multiple States. HUD's AFFH Data and Mapping Tool can be used to help identify such issues in some areas, but HUD expects that local data and local knowledge will be most useful in informing the State's regional analysis. Consulting the AIs or AFHs of neighboring States and other jurisdictions may be source of information for the State to consider.

Where a regional analysis beyond the State's borders is necessary for a particular question or prompt, the question or prompt will state that a regional analysis is required and the corresponding instructions for those questions or prompts will clarify the scope of the regional analysis that is required. These instructions will include specific instructions about the geographic scope of the region, instructions for non-entitlement areas, rural areas, and concentrations of poverty that may not be included in the HUD-provided data.

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 program participants, another public agency, or another entity that are readily available and easily accessible to program participants 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 program participants to review every possible source to search out local knowledge. However, local knowledge includes information obtained through the community participation process. Program participants are required to consider the information received during the community participation process as they conduct an AFH using the Assessment Tool.

Program participants 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.

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 program participants to hire statisticians or other consultants to locate and analyze all possible sources of local data. Note that, subject to the community participation, consultation, and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158, program participants are

required to consider information relevant to the State and region submitted during the community participation process, including recommendations of other data sources for program participants to assess.

In conducting the analysis, the program participant 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 Appendix C, which also includes a description of each contributing factor. Program participants are permitted to include contributing factors that are not listed in Appendix C.

A contributing factor may be outside the ability of program participants to directly control or influence; however, such factors must be identified if they are significant. For program participants submitting jointly, each program participant is responsible for identifying contributing factors within its jurisdiction. 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 program participants 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 program participant. However, please note that different program participants 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 program participant 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 program participants identify significant contributing factors, prioritize such factors, and justify the prioritization of the contributing factors that will be addressed in the program participant’s fair housing goals, it does not specify a specific process for meeting these requirements. Program participants may choose to complete the AFH in any order they choose, so long as all requirements are met.

About the Maps

The maps provided for this Assessment Tool include both dot density maps and thematic maps. 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 jurisdictions 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. Limited English Proficiency (LEP) data shows residential segregation by language for speakers of the five most populous limited English proficient groups in the jurisdiction and region. Again, some States may have other significant populations not included in the HUD-provided data but reflected in local data or local knowledge.

Thematic maps are shaded maps where the shading represents a certain percentage or value in a particular geographic area. For example, counties or a statistically equivalent area within a State may be shaded using different colors or variations of the same color to indicate the prevalence of a particular data point, such as a protected characteristic. The map legend provides the range included for each color or variation of shading.

About Insular Areas, Specifically

Special Instructions for Insular Areas

Meaning of "States" for the Purpose of this Assessment Tool

Please note that where the questions in this Assessment Tool refer to "States," all questions also apply to insular areas. Therefore, for purposes of this Assessment Tool and Instructions, the term "State" also means insular area.

HUD-provided Data Limitations

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

In cases where data is unavailable, HUD expects that insular areas will consult local data and knowledge (when it meets the criteria in § 5.152 and the instructions above) that may help to respond, and if not, the insular area may note the lack of data and in lieu of leaving their response blank.

Regional Analysis for Insular Areas

The AFFH rule requires all program participants to conduct a jurisdictional and regional analysis when completing their AFHs. HUD acknowledges that portions of certain questions requiring a regional analysis may not always be applicable to Insular Areas.

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 certifications.

All joint or regional 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 program participant 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—program participant(s) have discretion in this section as to how to summarize their findings in the AFH.

Part III:

Complete all three questions based on the community participation, consultation, and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158. Program participants should employ communications means designed to reach the broadest possible audience. 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 public housing agencies, community participation requirements are described in 24 C.F.R. §§ 903.13, 903.15, 903.17, and 903.19. For consolidated plan program participants, Citizen Participation requirements are described in 24 C.F.R. part 91. As required by applicable regulations, program participants 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.

For question (2), provide a list of any organizations consulted during the community participation process. For consolidated plan program participants, 24 C.F.R. § 5.158(a)(1), states that consolidated plan program participants must follow the policies and procedures described in 24 C.F.R. part 91 (see 24 C.F.R. §§ 91.110, 91.115, 91.235, and 91.401).

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), program participants 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.

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

For question (1)(a), provide an explanation of what past goals program participants 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. New

program participants may still answer this question based on any other relevant planning documents and/or any past fair housing goals, actions, or strategies.

For question (1)(b), discuss how successful the State has been in achieving past goals. Provide an explanation of any goals that were not achieved, or that were only partially achieved. Include a description of any oversight of, coordination with, or assistance to other public entities within the State or region (e.g., local governments, sub-grantees of the State, another State, local governments bordering but outside of the State, etc.).

For question (1)(c), program participants may provide any additional information about policies, actions, or steps that address fair housing issues in program participants' 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, program participants 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). HUD-provided maps are located in Appendix A and HUD-provided tables are located in Appendix B.

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, program participants are expected to note this rather than leaving the response blank.

Demographic Summary

For some States, and especially larger States, it may be helpful to break up the geography of the State into different sub-State areas to conduct analysis of fair housing issues and contributing factors that may be unique in different parts of the State. If the State is choosing to conduct its analysis using sub-State areas, answer question (1) by identifying and describing those areas and provide an explanation for why those sub-State areas will facilitate a meaningful assessment from a fair housing perspective. Note that, if breaking up the geography into sub-State areas, a State must ensure that all areas of the State are nonetheless analyzed.

For question (2), refer to [HUD-provided tables]¹ which present demographic summary data for the State, including trends over time (since 1990). 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.

A. General Issues

Segregation/Integration

¹ Please note that HUD has not yet compiled all data for use by States and Insular Areas in conducting their AFHs. The instructions will note where HUD intends to provide data to assist program participants in conducting the required analysis.

For questions (1)(a) and (1)(b), refer to [HUD-provided map]. The map presents dissimilarity index values for each county or statistically equivalent area (e.g., city, parish, township, etc.) in the State for the following race/ethnicity comparisons: white/non-white, black/white, Hispanic/white, and Asian/white populations for multiple census years. The [HUD-provided maps] also show the residential location of protected class groups (race/ethnicity, national origin (along with LEP persons), and familial status) within the State, by county. Additional information on demographics, by county, is also available in the HUD-provided data tool.

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 State is low, moderate, or high for each racial/ethnic group represented in [HUD-provided table], and note which groups experience the highest levels of segregation.

For questions 1(a) and 1(b), refer to [HUD-provided maps], which shows changes over time for the dissimilarity index values from 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. For the portion of (1)(a) referencing national origin, or LEP groups, see the [HUD-provided maps] showing residency patterns in the State for the five most populous national origin and five most populous LEP groups, by county. Compare these maps with the Dissimilarity Index maps. For question (1)(b), include any areas with relatively high segregation that extend into another State or broader geographic area.

For question (1)(b), the term “region” means any areas with relatively high segregation that extend into another State or broader geographic area. This includes metropolitan statistical areas that extend into another state, or non-metro areas of the state with relatively high segregation that may cross into another state.

For question (1)(c), refer to [HUD-provided maps] to assess how areas with relatively high segregation or integration have changed in the State and region overtime. In conducting a regional analysis, evaluate areas with relatively high segregation that extend into another State or broader geographic area. This can be accomplished by zooming out on the [HUD-provided map]. For question 1(c), the term “region” has the same meaning as question 1(b).

For question (1)(d), local data and local knowledge 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(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of segregation in the jurisdiction 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 [HUD-provided maps], which identify any counties with any census tracts that meet the threshold criteria for racially or ethnically concentrated areas of poverty (R/ECAPs). R/ECAP census tracts, including groupings of R/ECAPs, within counties can be identified by zooming in on the map. To answer question (1)(a), use the [HUD-provided maps] to identify any R/ECAPs or groupings of R/ECAPs in the State, including any areas that extend into another State or broader geographic area.

To answer question (1)(b), use [HUD-provided maps and tables]. 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 State. Also refer to [HUD-provided maps], which are thematic maps showing the percent of persons with a certain protected characteristic living in R/ECAPs by county. For a more detailed analysis, zoom in on the map to view dot density distributions for these populations. 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.

To answer question (1)(c), refer to [HUD-provided maps]. The first map shows the outlines of current R/ECAPs. The second map shows the outlines of R/ECAPs in past years (1990 and 2000). 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, including R/ECAP areas or groupings that extend into another State or broader geographic area. 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 groups most affected by R/ECAPs.²

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

² HUD is evaluating how to best provide R/ECAP trend data at this time.

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(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

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 the questions in (1), refer to the [HUD-provided maps and tables]. The table provides index scores or values for the following opportunity indicator indices by race/ethnicity: Low Poverty; School Proficiency; Labor Market Engagement; Low Transportation Costs; Transit Trips Index; and Environmental Health by race/ethnicity and households below the poverty line. A higher score on each of the indices would indicate: lower neighborhood poverty rates; higher levels of school proficiency; higher levels of labor engagement; lower transportation costs; closer access to public transportation; 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. The maps provide these opportunity indicators by race/ethnicity and to evaluate access to opportunity, compare these maps with the demographic maps for national origin and familial status. Local data and local knowledge may be particularly helpful in connection with these analyses.

Disparities in Access to Education

For the questions in (1)(a)(i), use the School Proficiency Index in the [HUD-provided table] and 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 table] shows index values by race/ethnicity groups. [HUD-provided map] consists of three sub-maps, showing the spatial distribution of racial/ethnic and national origin groups and families with children overlaid by shading that shows school proficiency levels for the jurisdiction. The maps also include the ability to zoom in to see R/ECAP outlines.

To answer questions (1)(a)(ii), use the [HUD-provided maps] that show School Proficiency Index values for five race/ethnicity groups, at the county level. Darker shading represents a higher value on the Index. These maps must also be compared with [HUD provided maps] for demographics of the State showing the residential patterns for other groups (e.g., national origin and LEP, and familial status).

For question (1)(a)(ii), refer to the [HUD-provided map] by race/ethnicity, national origin (including LEP persons), and family 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 policies and practices, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant.

For Questions (1)(a)(iii)-(v) local data or local knowledge may be particularly useful. Program participants should consider whether local school policies provide for alternative means of access to schools that are not reflected in the HUD-provided data. The [HUD-provided maps] may also be useful in answering questions (1)(a)(iii) and (1)(a)(iv). For question (1)(a)(v), local data or local knowledge may be particularly useful to assess access to educational opportunities for protected class groups residing in the State. Include an assessment of the State's education-related laws, policies, and practices, and the effects on protected class groups residing in the State by any neighboring State's education-related laws, policies, and practices.

Disparities in Access to Employment

For the questions in (1)(b), refer to the Labor Market Engagement Index in the [HUD-provided table], and to the [HUD-provided maps]. 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 the Labor Market Engagement Index values for five race/ethnicity groups, at the county level. Darker shading represents a higher value on the Index. These maps can also be compared with [HUD-provided maps] for demographics of the State showing the residential patterns for other groups (e.g., national origin and LEP, and familial status).

For question (1)(b)(i), assess areas in the State, as well as any areas extending into another State or broader geographic area relating to access to employment opportunities for members of protected class groups.

Data from the Jobs Proximity Index is also available for counties that are within CBSAs. The Jobs Proximity Index measures the physical distances between place of residence and jobs by race/ethnicity. Note however, that while this information may be useful to consider for areas within metropolitan areas (CBSAs) the Jobs Proximity Index values are not comparable between different CBSAs.

For question (1)(b)(iii) and (iv), local data and local knowledge may be particularly useful in answering these questions.

Disparities in Access to Transportation

For the questions in (1)(c), refer to the [HUD-provided table], which includes the Low Transportation Cost Index and the Transit Trips Index for the State 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 [HUD-provided maps] shows index values (for both of these indices) for five race/ethnicity groups, at the county level. Darker shading represents a higher value on the Index. These maps can also be compared with [HUD-provided maps] for demographics of the State showing the residential patterns for other groups (e.g., national origin and LEP, and familial status). The second map shows residency patterns of racial/ethnic and

national origin groups and families with children overlaid by shading that shows transportation access at the neighborhood level. To view the State, including areas extending into another State or broader geographic area, zoom out on the maps provided. These maps also include R/ECAP outlines. The second [HUD-provided map] shows residency patterns of racial/ethnic, national origin, and families with children overlaid by shading that shows low transportation costs at the census tract level. To view the State, including areas extending into another State or broader geographic area, zoom out on the maps provided.

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 (including LEP persons), and family status, to identify differences in access to transportation by protected characteristic. For question 1(c)(ii), describe any patterns of transportation in the State, including areas that extend into another State or broader geographic area and the predominant protected class groups living in each.

For question (1)(c)(iii), program participants should consider whether State-wide and regional transportation-related programs, policies, and practices affect the ability of protected class groups in the State to access transportation, including as a bridge to proficient school, jobs, and other areas with opportunities. In answering this question, local data and local knowledge may be particularly useful. Program participants should consider whether transportation systems designed for use of personal vehicles impact the ability of protected class groups' access to transportation due to the lack of vehicle ownership. Include a description of any relevant interstate compacts or other arrangements that may affect access to transportation opportunities for protected class groups residing in the State.

Disparities in Access to Low Poverty

For the questions in (1)(d), refer to the Low Poverty Index in the [HUD-provided table] and the [HUD-provided map]. The Low Poverty Index uses rates of family poverty by household (based on the federal poverty line) to measure exposure to poverty by neighborhood. A higher score generally is considered better; that is, less exposure to poverty at the neighborhood level. The [HUD-provided map] shows Low Poverty Index values for five race/ethnicity groups, at the county level. Darker shading represents a higher value on the Index. These maps must also be compared with [HUD-provided maps] for demographics of the State showing the residential patterns for other groups (e.g., national origin and LEP, and familial status).

To answer questions (1)(d)(i)-(iii), examine the Low Poverty Index values in the [HUD-provided table], by race/ethnicity, and the [HUD-provided map], by race/ethnicity, national origin (including LEP persons), and family status, to identify differences in poverty by protected characteristic. For question (1)(d)(ii), include an assessment of the State, including areas extending into another State or broader geographic area with respect to disparities in access to low poverty. For question (1)(d)(iii), program participants should consider how the State's programs and policies affects the ability of protected class groups to access low poverty areas. Local data and local knowledge may be particularly useful in answering this question.

Disparities in Access to Environmentally Healthy Areas

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 carcinogenic, respiratory, and neurological toxins by neighborhood. The [HUD-provided map] shows index values for five race/ethnicity groups, at the county level.

Darker shading represents a higher value on the Index. These maps must also be compared with [HUD-provided maps] for demographics of the State showing the residential patterns for other groups (e.g., national origin and LEP, and familial status). To answer the questions, examine the Environmental Health Index values, by race/ethnicity, and the [HUD-provided maps], by race/ethnicity, national origin, and family status, to identify differences in exposure to environmental health hazards by protected characteristic in the State, including areas that extend into another State or broader geographic area and the predominant protected class groups living in each. While the Environment Health Index is limited to issues related to air quality, program participants 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.

To answer question (1)(e)(iii), program participants should describe any environmental laws, programs, policies, and practices in the State and region that affect access to environmentally healthy places of residence of members of protected class groups in the State. Local data and local knowledge may be particularly useful in answering this question. Describe any relevant interstate compacts or other agreements that may affect access to environmentally healthy places to live for protected class groups residing in the State.

Patterns in Disparities in Access to Opportunity

For question (1)(f)(i), refer to the answers provided in question (1)(a)-(e). To the extent patterns are discussed in question (2)(b), below, include those other categories of opportunities.

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). 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(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of disparities in access to opportunity in the jurisdiction 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. There may also be other categories of opportunity in which the State has identified disparities. For these other categories (e.g., emergency preparedness, public safety, public health, housing finance and financial services, and prisoner re-entry), describe the disparities by protected class group.

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 the [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 in the State. 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 the [HUD-provided maps] that show the percent of households experiencing any of four housing problems. There are separate maps for different race/ethnicity groups. The maps are shaded, by county, with darker shading indicating a higher percentage of households of that group experiencing such housing problems. 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), local data and local knowledge may be particularly useful in answering this question.

Understanding the limitations of the HUD-provided data discussed in the introduction to the instruction, using local data and local 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(D). Program participants may include any relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of disproportionate housing needs in the jurisdiction 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.

B. Publicly Supported Housing³ 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 may be analyzed as part of Housing Choice Vouchers. HUD has included RAD as a separate category for two specific questions in this section for policy reasons. 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.

Data related to public housing may be affected by asset management project (AMP) groupings.⁴ 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.

Publicly Supported Housing Demographics

For questions (1)(a)(i) and (ii), refer to the [HUD-provided tables]. The [HUD-provided 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 State. The tables also provide race/ethnicity data for the total population in the jurisdiction and for persons meeting the income eligibility requirements for a relevant category of publicly supported housing.

³ 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.

⁴ 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.

Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

Publicly Supported Housing Location and Occupancy

For questions (1)(b)(i) and (ii), refer to the [HUD-provided maps], which show the location of housing units, by program category (public housing, project-based section 8, other HUD multifamily assisted developments, and LIHTC), shaded by county. The other [HUD-provided map] shows the density of use of Section 8 vouchers, shaded by county. Compare these maps to the demographics maps to assess their location in relation to previously discussed segregated areas and R/ECAPs.

For questions (1)(b)(i)-(iii), use the [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 in the State. The [HUD-provided table] also breaks out this information by race/ethnicity, elderly, and disability status. To answer the question, 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. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

For question (1)(b)(iv), compare the demographics of the residents of each category of publicly supported housing in the State to the demographics patterns of the areas in the State in which the housing is located. The [HUD-provided maps and tables] may be relevant and useful in answering this question. Additionally, local data and local knowledge may be particularly useful for both properties converted under RAD and for LIHTC properties.

For question (1)(b)(v), local data and local knowledge may be particularly useful in answering this question.

Low Income Housing Tax Credits (LIHTC)

For all LIHTC questions it may be useful to refer to any relevant data maintained by the housing finance agency responsible for allocating credits or other State agencies – which may have more up-to-date and complete data than the HUD-provided data. Local Data, including local data compiled by or research publications produced by other local governmental or non-governmental entities may also be particularly useful in answering these questions. In answering these questions, program participants may distinguish between different uses of LIHTC, including new construction and rehabilitation as well as between nine percent and four percent LIHTCs. Four percent LIHTCs are provided on a non-competitive basis, automatically provide for tax-exempt bonds, and are almost exclusively used for rehabilitation of existing housing; and nine percent LIHTCs are a highly competitive award governed by the State's Qualified Allocation Plan (QAP) selection criteria and significantly influence the location of new construction of affordable housing.

For question (1)(c)(i), local data and local knowledge may be particularly useful in answering this question. For example, refer to the State's Qualified Allocation Plan (QAP), public comments made regarding revisions to the QAP, zoning and land use laws, and public comments made regarding zoning and land use laws, or other State or local laws or policies that may influence the location of LIHTC units and which protected class groups have access to them.

For question (1)(c)(ii), local data and local knowledge maybe particularly useful in answering thins question. For example, refer to the State’s policies, practices and procedures for administering funds used for gap financing or otherwise leveraging LIHTC developments and how such administration affects the location of LIHTC units in the State.

For question (1)(c)(iii), local data and local knowledge may be particularly useful in answering this question. For example, describe whether the state has received complaints about discrimination against voucher holders by LIHTC owners, consider available data and mapping of voucher usage, and describe any oversight and enforcement efforts the state has undertaken.

Other State Administered Programs Related to Housing and Urban Development

There are currently limited sources of nationally uniform data on the administration of CDBG, HOME, and the National Housing Trust Fund. HUD may provide program participants with data concerning the administration of CDBG, HOME and the National Housing Trust Fund in the future. Until such time, 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. [Note that HUD is considering adding additional information to the HUD-provided data concerning CDBG and HOME. Information on the National Housing Trust Fund may also be provided in the future.]

For question (d)(i), local data and local knowledge may be particularly useful in answering this question.

For question (d)(ii), local data and local knowledge may be particularly useful in answering this question. For example, information about other State housing programs and any State housing trust funds may be particularly useful.

Disparities in Access to Opportunity

For question (1)(e)(i), refer to the opportunity indicators analyzed in Section (V)(B)(iii) and the [HUD-provided maps]. Compare the locations of publicly supported housing in the first [HUD-provided map] to the [HUD-provided maps] for the Opportunity Indices to assess disparities in access to opportunity for residents of publicly supported housing by protected class. 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] for publicly supported housing 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 2(a), understanding the limitations of the HUD-provided data discussed in the introduction to the instructions, 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, 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(D). Program participants may include an analysis of disability here, but still must include such analysis in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of publicly supported housing in the jurisdiction 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 (3), 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.

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. In addition, States often have data and information relevant to the analysis required in this section.

Population Profile

For question (1)(a), refer to the [HUD-provided map and table]. The [HUD-Provided map] depicts a dot density distribution by disability type (hearing, vision, cognition, ambulatory, self-care, independent living)⁵ for the State. The [HUD-provided map] also includes R/ECAP outlines. The [HUD-provided table] provides data on the percentage of the population with types of disabilities in the State.

For question (1)(b), refer to the [HUD-provided maps and table]. The [HUD-provided map] depicts a dot density distribution of persons with disabilities by age (5-17, 18-64, and 65+) in the State. The HUD-provided table] provides data on the percentage of the population with disabilities by age in the State.

Housing Accessibility

For questions (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,

⁵ HUD anticipates adding further guidance on different types of disabilities to assist program participants in evaluating the population profile in their jurisdictions and regions.

to assist with answering these questions, program participants may refer to the maps provided by HUD to identify R/ECAPs or other segregated areas identified in previous sections.

For questions (2)(b) HUD is unable to provide data at this time. 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 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] for publicly supported housing that shows the location of four categories of publicly supported housing, may also be useful in answering this question.

For question (2)(c), refer to the [HUD-provided table]. The [HUD-provided table] contains data on the number and percentage of persons with disabilities residing in four categories of publicly supported housing in both the jurisdiction and the region. In answering the question, 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)(d), local data and local knowledge may be particularly useful in answering this question. For example, describe any disability-specific housing programs or preferences in the State. This includes Non-Elderly Disabled (NED) vouchers, LIHTC or other set-asides, PHA preferences, and HUD-approved targeted remedial preferences under *Olmstead* agreements, consent decrees, and plans.

Integration of Persons with Disabilities Living in Institutional and Other Segregated Settings

Local data and knowledge will likely be particularly useful in answering questions (3)(a) through (g). 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 is in compliance with accessibility requirements.

The Fair Housing Act, Section 504, and the ADA contain mandates related to integrated settings for persons with disabilities. 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) and (b), refer to HUD’s “Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of Olmstead.”⁶

Local data and local knowledge will likely be particularly useful in answering questions. To ensure meaningful analysis of these questions, program participants 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.

Disparities in Access to Opportunity

For questions (4)(a)-(c), 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)(a), program participants may refer to the [HUD-provided tables and 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.

Additional Information

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), program participants may include any additional relevant information related to their analysis of disability and access in the jurisdiction 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.

⁶ HUD’s *Olmstead* Statement can be found at:
<http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.

D. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis

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

Complete question (1)(b).

For question (1)(c), list the agencies and organizations that provide fair housing information in the State, including those operating in areas that extend into another State or broader geographic area. Include a description of their capacity and resources available to them.

For question (2)(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 jurisdiction 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 (3), 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.

E. Instructions for Qualified PHA Service Area Questions

General

A qualified PHA (QPHA) will address each of the following questions for its service area. The regional portion of the QPHA analysis is expected to be fulfilled by the State's analysis of the entire State. For purposes of this assessment tool, the QPHA region is defined as the State. For QPHAs whose service area is the State, for purposes of this assessment tool, the QPHA's region is the same as the State's region.

HUD is aware of the 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.

Segregation/Integration

To answer this question, use the [HUD-provided maps] to identify any areas of segregation in the service area. The maps are dot density maps showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the service area. 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. A comparison of the patterns shown in [HUD-provided map] to the patterns shown in [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.

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 are based on census data for the 5 most populous “foreign born” populations by country of origin, however, some jurisdictions 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 show residential segregation by language for speakers of the five most populous limited English proficient groups in the jurisdiction 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.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA’s service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering this question.

R/ECAPs

To answer this question, refer to [HUD-provided maps], which include outlined census tracts that meet the threshold criteria for racially or ethnically concentrated areas of poverty (R/ECAPs). The area within the outline meets the definition of an R/ECAP, as set forth in the AFFH rule at 24 C.F.R. § 5.152. Use the [HUD-provided maps] to identify any R/ECAPs or groupings of R/ECAPs in the service area. These maps are also dot density maps showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the service area. Also use the [HUD-provided table], which shows the percentage of persons living in R/ECAPs with certain protected characteristics (race/ethnicity, families with children, national origin) in the service area. 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.

Next, refer to [HUD-provided maps] that show how R/ECAPs have changed over time, since 1990, which will be provided if these data are available. 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 in the service area. 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 groups most affected by R/ECAPs.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA’s service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering this question.

Disparities in Access to Opportunity

To answer this question, refer to [HUD-provided maps] that show where members of protected class groups live in the service area, by protected class, and the locations of certain opportunities (education, employment, transportation, low poverty exposure, and environmentally healthy neighborhoods). Use the maps to identify any disparities in access to these opportunities for households in the service area.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA’s service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering this question.

Disproportionate Housing Needs

To answer this question, refer to [HUD-provided tables] that show 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.

Next refer to [HUD-provided maps] that show 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. Another [HUD-provided map] shows the same information overlaid on residential living patterns by national origin.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA’s service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering this question.

Publicly Supported Housing

Data related to public housing may be affected by asset management project (AMP) groupings.⁷ 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 these 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.

This section also uses the term “assisted households.” For purposes of this assessment tool, the term “assisted households” means those households residing in public housing or receiving assistance through the Housing Choice Voucher program.

Demographics

To answer this question, refer to the [HUD-provided tables], which present data by race/ethnicity for residents of the QPHA in the QPHA’s service area. The tables also provide race/ethnicity data for the total population in the service area and for persons meeting the income eligibility

⁷ 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.

requirements for the QPHA. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA's service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering these questions.

Segregation and R/ECAPs

To answer this question, refer to the [HUD-provided maps], which are race/ethnicity dot density maps with a publicly supported housing overlay, including outlines of R/ECAPS. The maps also contain symbols representing the location of the QPHA's developments and shading for the density of Housing Choice Vouchers in the service area. Darker shading represents a heavier concentration of vouchers.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA's service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering this question.

Next, refer to the [HUD-provided table], which shows the percentage of occupants of the QPHA in units located either within R/ECAPS or outside of R/ECAPS. The [HUD-provided table] also breaks out this information by race/ethnicity, elderly and disability status. To answer the question, 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. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

Finally, refer to the [HUD-provided tables] that present data by race/ethnicity for persons occupying the QPHA's publicly supported housing developments. Note that data for this question may be affected by AMP groupings, therefore, local data and local knowledge may be particularly useful when answering this question.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA's service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering these questions.

Disparities in Access to Opportunity

To answer this question, refer to the opportunity indicators analyzed above, and the [HUD-provided maps], which are race/ethnicity dot density maps showing the location of both public housing and Housing Choice Vouchers in the service area. Compare the locations of these assisted households 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] for publicly supported housing does not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations often reveal distinct patterns.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA's service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering these questions.

Disproportionate Housing Needs

To answer this question, refer to the [HUD-provided tables], which present data by race/ethnicity for residents of the QPHA in the QPHA's service area. Compare these tables to the [HUD-provided tables] that show the disproportionate housing needs of the QPHA's assisted households and households with disproportionate housing needs in the service area and region.

Next, refer to the [HUD-provided table] that shows the percentage of race/ethnicity groups and families with children experiencing two potential categories of housing need. To assess these needs with respect to the QPHA's available stock of assisted units, local data and local knowledge may be particularly useful.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA's service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering these questions.

Policies and Practices

To answer this question, local data and local knowledge will be particularly useful.

Questions on Other Categories of Publicly Supported Housing

To answer this question, refer to [HUD-provided maps and tables]. The [HUD-provided maps] are race/ethnicity dot density maps with a publicly supported housing overlay, including outlines of R/ECAPS. The [HUD-provided tables] show 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. The [HUD-provided table] also breaks out this information by race/ethnicity, elderly and disability status.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA's service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering these questions.

Disability and Access

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.

To answer this question, refer to the [HUD-provided map and table]. The [HUD-provided map] depicts a dot density distribution by disability type (hearing, vision, cognition, ambulatory, self-care, independent living) for the State. The [HUD-provided 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. Compare where persons with disabilities reside to areas of segregation and R/ECAPs discussed in previous questions.

To answer this question, local data and local knowledge may be particularly useful.

If the HUD-provided data are not applicable or do not fully cover this issue for the QPHA's service area, local data and local knowledge, including information obtained during the community participation process, may be particularly useful in answering these questions.

Fair Housing Enforcement

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

Additional QPHA Information

Program participants may include any additional relevant information related to their analysis of the QPHA's assessment of fair housing.

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 program participants 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 program participants 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, program participants 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 program participants submitting jointly, denote which program participant is responsible for each particular goal. If program participants are setting joint goals, explain the responsibilities of each program participant with respect to the joint goal. Please note that the table provided does not limit the number of goals. Program participants are encouraged to set more goals than the table allows for currently.

While the statutory duty to affirmatively further fair housing requires program participants 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 public sector housing and community development planning and investment decisions in being better informed about fair housing concerns and

consequently help program participants to be better positioned to fulfill their obligation to affirmatively further fair housing.

Program participants should note that the strategies and actions, and the specifics of funding decisions, subject to the consolidated plan, PHA plan, or other applicable planning process are not required to be in the AFH. However, the goals set by program participants 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 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

Sign and date the certification.

APPENDIX A – HUD-Provided Maps (Coming Soon)

APPENDIX B – HUD-Provided Tables (Coming Soon)

APPENDIX C – 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

Individuals with disabilities may face unique barriers to accessing proficient schools. In some jurisdictions, 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:

3. Admissions preferences (e.g. residency preference, preferences for local workforce, etc.)
4. 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.).
5. Income thresholds for new admissions or for continued eligibility.
6. Designations of housing developments (or portions of developments) for the elderly and/or persons with disabilities.
7. Occupancy limits.
8. Housing providers’ policies for processing reasonable accommodations and modifications requests.
9. Credit or criminal record policies.
10. Eviction policies and procedures.

The 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), 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.

- Lack of appropriate payment standards, including exception payment standards to the standard fair market rent (FMR). Because FMRs are generally set at the 40th percentile of the metropolitan-wide rent distribution, some of the most desirable neighborhoods do not have a significant number of units available in the FMR range. Exception payment standards are separate payment standard amounts within the basic range for a designated part of an FMR area. Small areas FMRs, which vary by zip code, may be used in the determination of potential exception payment standard levels to support a greater range of payment standards.
- Jurisdictional fragmentation among multiple providers of publicly supported housing that serve single metropolitan areas and lack of regional cooperation mechanisms, including PHA jurisdictional limitations.
- HCV portability issues that prevent a household from using a housing assistance voucher issued in one jurisdiction when moving to another jurisdiction where the program is administered by a different local PHA.
- Lack of a consolidated waitlist for all assisted housing available in the metropolitan area.
- Discrimination based on source of income, including SSDI, Housing Choice Vouchers, or other tenant-based rental assistance.

Inaccessible buildings, sidewalks, pedestrian crossings, or other 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 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 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 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.

Lack of private investment in specific areas within the State

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 areas within the State, 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 State, regional, or other inter-governmental 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).
- 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.

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. Relevant factors to consider include the type and number of hazards, the degree of concentration 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 or region, the range of housing opportunities close to proficient schools, and whether the jurisdiction 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.

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.

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, 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.

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.