

GETTING TO THE TABLE.....



ASSESSMENT OF IMPEDIMENTS

Following is a synopsis of a very important new document: HUD's Fair Housing Planning Guide. This new planning tool may prove critical to community groups who are interested in increasing access to housing at the community level.

HIGH POINTS

The Assessment of Impediments or AI, is a requirement of the Consolidated Plan. In 1995, HUD published a rule consolidating the Comprehensive Housing Affordability Strategy (CHAS, required of Jurisdictions applying for McKinney funding), the community development plan (required for the CDBG program) and the submission and reporting requirements for the four CD formula grant programs (CDBG, HOME, ESG, and HOPWA) into a single plan-The Consolidated Plan.

The AI is a review of impediments to fair housing choice in the public and private sector. The AI involves:

- .. A comprehensive review of an Entitlement jurisdiction's laws, regulations, and administrative policies, procedures, and practices;
- .. An assessment of how those laws, etc. affect the location, availability, and accessibility of housing; and
- .. An assessment of conditions, both public and private, affecting fair housing choice.

Impediments to fair housing choice are:

- .. Any actions, omission, or decisions taken because of race, color religion, sex disability, familial status or national origin which restrict housing choices or the availability of housing choices, or
- .. Any actions, omission, or decisions which have the effect of restricting housing choices or the availability of housing choices in the basis of race, color, religion, sex disability, familial status or national origin.

NOTE: AI's are not to be submitted to , or approved by, HUD. However, HUD could request submission of the AI in the event of a *complaint* or as part of routine monitoring. If your AI is incomplete or inadequately addresses your concern talk to your local jurisdiction. If that doesn't work contact HUD!

"Increasing Housing Choice: Equal and free access to residential housing (housing choice) is fundamental to meeting essential needs and pursuing personal, education, employment or other goals. Because housing choice is so critical, fair housing is a goal that government, public officials, and private citizens must achieve if equality of opportunity is to become a reality."

And very important to us: HUD is directing local jurisdictions to look at zoning and land-use issues and how they treat group housing for persons with disabilities!!!

The AI process includes public input and participation. BECOME INFORMED. GET INVOLVED!!

**Department of Housing and Urban Development
FAIR HOUSING PLANNING GUIDE**

INTRODUCTION

The Department of Housing and Urban Development (HUD) is committed to eliminating racial and ethnic segregation and other discriminatory practices in housing, and will use all the programmatic and enforcement tools to achieve this goal. The fundamental goal of the Department's fair housing policy is to make housing choice a reality through fair housing planning (FHP).

HISTORICAL OVERVIEW

Provisions to affirmatively further fair housing (AFFH) are principal and long-standing components of HUD's housing and community development programs. These provisions flow from the mandate of the Fair Housing Act which requires the Secretary of HUD to administer the Department's housing and urban development programs in a manner to affirmatively further fair housing.

In its community Development (CD) programs, HUD has strongly encouraged:

- The adoption and enforcement of State and local fair housing laws, and
- The reduction of separation by race, ethnicity or disability status.

HUD's CD programs are:

- Community Development Block Grant (CDBG)
- Home Investment Partnership (HOME)
- Emergency Shelter Grant (ESG)
- Housing Opportunities for Persons with AIDS (HOPWA)



Definition of Affirmatively Furthering Fair Housing

The extent of the AFFH obligation has never been defined statutorily. However, HUD defines it as requiring a grantee to:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdictions;
- Take appropriate actions to overcome the effects of any impediments identified through the analysis;
- Maintain records reflecting the analysis and actions in this regard.

HUD interprets those broad objectives to mean:

- Analyze and eliminate housing discrimination in the jurisdiction.
- Promote fair housing choice for all persons.
- Provide opportunities for racially and ethnically inclusive patterns of housing occupancy.
- Promote housing that is physically accessible to, and usable, by all persons, particularly persons with disabilities.
- Foster compliance with the non-discrimination provision of the Fair Housing Act.

CD grantees are required to certify that they will affirmative further fair housing as part of the obligations assumed when they accept HUD program funds.

Applicability

Although the grantee's AFFH obligation arises in connection with the receipt of Federal funding, its AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. ***The AFFH obligation extends to all housing and housing-related activities in the grantee's jurisdictional area.***

Consolidated Plan/Fair Housing Planning

In 1995, HUD published a rule consolidating the Comprehensive Housing Affordability Strategy (CHAS, required of Jurisdictions applying for McKinney funding), the community development plan (required for the CDBG program) and the submission and reporting requirements for the four CD formula grant programs (CDBG, HOME, ESG, and HOPWA) into a single plan-the Consolidated Plan.

As part of the Consolidated Plan, grantees will submit an AFFH certification which requires them to undertake fair housing planning through:

- .. The completion of an AI,
- .. Actions to eliminate identified impediments, and
- .. Maintenance of AFFH records.

FHP RESPONSIBILITIES FOR ENTITLEMENT JURISDICTIONS

The Consolidated Plan's certification to affirmatively further fair housing requires Entitlement jurisdictions to undertake fair housing planning, which consists of the following:

- .. The Analysis of Impediments (AI) to Fair Housing Choice
- .. Actions to overcome the effects of identified impediments:

HUD suggests jurisdictions organize these actions into a prioritized list of specific actions:

- à With milestones, timetables and measurable results
 - à To be undertaken by the jurisdiction in each of the four years following completion/update of the AI
 - à That are in response to the impediments identified in the AI,
 - à That follow public meeting, that may be held during the development of the Consolidated Plan.
- .. Maintain records to support the AFFH certification.

This supporting documentation includes:

- à The AI, and
 - à Actions undertaken to eliminate identified impediments.
- .. The following additional types of supporting documents are suggested:
 - à Transcripts of public hearings and citizen comments/input, and
 - à Progress reports (which should be kept available for public review)

THE THREE COMPONENTS OF FAIR HOUSING PLANNING

Defining The AI

The AI is a review of impediments to fair housing choice in the public and private sector. The AI involves:

- .. A comprehensive review of an Entitlement jurisdiction's laws, regulations, and administrative policies, procedures, and practices;
- .. An assessment of how those laws, etc. affect the location, availability, and accessibility of housing; and
- .. An assessment of conditions, both public and private, affecting fair housing choice.

Impediments to fair housing choice are:

- “ Any actions, omission, or decisions taken because of race, color religion, sex disability, familial status or national origin which restrict housing choices or the availability of housing choices, or
- “ Any actions, omission, or decisions which have the effect of restricting housing choices or the availability of housing choices in the basis of race, color, religion, sex disability, familial status or national origin.

Purpose

The scope of the AI is broad. It covers the full array of public and private policies, practices, and procedures affecting housing choice.

The AI:

- “ Serves as the substantive, logical basis for Fair Housing Planning.
- “ Provides essential and detailed information to policy makers, administrative staff, housing providers, lenders and fair housing advocates.
- “ Assists in building public support for fair housing efforts both within an Entitlement jurisdictions’ boundaries and beyond.

Increasing Housing Choice

Equal and free access to residential housing (housing choice) is fundamental to meeting essential needs and pursuing personal, educational, employment or other goals.

Because housing choice is so critical , fair housing is a goal that government, public officials, and private citizens must achieve if equality of opportunity is to become a reality.

NOTE: HUD does not require entitlement jurisdictions to commence a data collection effort in order to complete the AI. It believes such jurisdictions can use existing available data. THIS PROVIDES YOU WITH AN EXCELLANT OPPORTUNITY TO COLLECT YOUR OWN DATA AND SUBMIT IT TO LOCAL OFFICIALS!

ESTABLISH WORKABLE PROCEDURES

Entitlement jurisdictions should have workable procedures that:

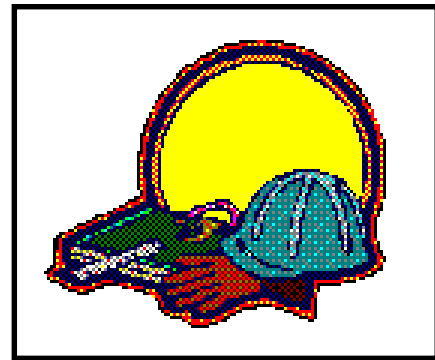
- “ Accommodate diverse views and interests
- “ Provide for input from persons who have only a limited time to meet, deliberate, review written materials, and any other necessary functions.
- “ Provide for convenient, accessible meeting places and times.
- “ Provide for conflict resolution and decision making in the event the initial conflicts can not be resolved.

Build Relationships and Communication

The AI structure should provide for effective, ongoing relationships with **all** elements of the community with clear and continuous exchange of concerns, ideas, analysis, and evaluation of results. Involvement by the chief executive is necessary whether the Entitlement jurisdiction is conducting the AI on its own or is participating with other jurisdictions on a regional AI.

This linkage with the chief executive is important because it is the chief executive that has the ultimate responsibility for the Entitlement jurisdiction’s FHP. This official should ensure through focus groups, an advisory commission, town meeting, or other effective means, that regular contact and working arrangements are created and maintained with:

- .. Fair Housing Organizations.
- .. Other governments
- .. Advocacy Groups
- .. Housing Providers
- .. Bank and Other financial Institutions
- .. Educational Institutions
- .. Other organizations
- .. General Public.



Target Resources for Fair Housing Planning

CDBG and HOME administrative and planning funds may be used for fair housing planning.

IDENTIFICATION OF IMPEDIMENT TO FAIR HOUSING CHOICE

Jurisdictions should examine a wide array of issues in order to identify and address impediments to fair housing choice.

Impediments to fair housing choice are defined as:

- .. Any actions, omission, or decisions take because of race, color, religion, sex, disability, familial status or national origin that restrict housing choices or the availability of housing choice, or
- .. any action, omission or decision that have this effect.
- .. Policies, practices or procedure that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to persons because of race, ethnicity, disability status and families with children may constitute such impediments. Impediments to fair housing choice include actions or omissions in the Entitlement jurisdiction that:
 - à Constitute violations, or potential violations, of the Fair Housing Act.
 - à Are counter-productive to fair housing choice, such as:
 - à Resistance when minorities and/or low-income person first move into white and/or moderate to high income areas or
 - à Resistance to the siting of group homes for persons with disabilities because of the persons who will occupy the housing;
 - à Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin.

TAKING ACTION TO ELIMINATE IDENTIFIED IMPEDIMENTS

Before developing actions to eliminate the effects of any impediments identified through the AI (fair housing action), the jurisdiction should:

- .. Ensure that diverse groups in the community are provided a real opportunity to take part in the developmental process.
- .. Create the structure for the design and implementation of the actions.

ENTITLEMENT REQUIREMENTS

An Entitlement jurisdiction’s certification to affirmatively further fair housing (AFFH) requires the undertaking of fair housing planning (FHP) by:

- .. Conducting an AI.
- .. Taking appropriate actions, to overcome the effects of any impediments identified through the AI
- .. FHP should be included as part of the Consolidated Plan's citizen participation process.
- .. The Entitlement jurisdiction's AFFH certification also requires the jurisdiction to maintain the following records:
 - à Documentation of the AI
 - à Actions taken in this regard.

AI SUBJECT AREAS

Public Sector

- .. Local building, occupancy, health and safety codes that may affect the availability of housing for minorities, families with children and persons with disabilities.
- .. Public policies and actions affecting the approval of sites and other building requirements used in the approval process for the construction of public (assisted) and private housing. Such as:
 - à Local zoning laws and policies (e.g. minimum lot size requirements, dispersal requirements for group homes in a single-family zone, restrictions on the number of unrelated persons in dwellings based on size of unit or number of bedroom)
- .. The administrative policies concerning community development and housing activities.
- .. Public policies that restrict the provision of housing and community development resources to areas of minority concentration, or policies that inhibit the employment of minority persons and individuals with disabilities.
- .. Public policies that restrict the inter-departmental coordination between other local agencies in providing housing and community development resources to areas of minority concentration, or policies that inhibit the employment of minority persons and individuals with disabilities.
- .. Public policies that restrict the inter-departmental coordination between other local agencies in providing housing and community development resources to areas of minority concentration or to individuals with disabilities.
- .. Planning, financing and administrative actions related to the provision and siting of public transportation and supportive social services that may inhibit or concentrate affordable housing opportunities for persons with disabilities.
- .. Policies and practices affecting the representation of all racial, ethnic, religious, and disabled segments of the community on planning and zoning boards and commissions.

For more detail, refer to the Planning Guide.

Comments or questions? Direct them to your local HUD office or:

U.S. Department of Housing and Urban Development
 Office of Fair Housing and Equal Opportunity
 Room 5226
 451 7th Street, S.W.
 Washington DC 20410-2000

