



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)

NOTICE OF PROPOSED RULEMAKING (NPRM)

QUICK REFERENCE GUIDE

WHAT TO KNOW ABOUT THE AFFH NOTICE OF PROPOSED RULEMAKING:



The proposed AFFH rule faithfully implements the promise of the Fair Housing Act's statutory mandate to affirmatively further fair housing.

On February 9, 2023, HUD published in the Federal Register a Notice of Proposed Rulemaking entitled “Affirmatively Furthering Fair Housing.” The proposed rule, which builds on and refines HUD’s 2015 rule, would faithfully implement the Fair Housing Act’s statutory mandate that HUD ensure that recipients of its funding affirmatively further fair housing (AFFH). The AFFH mandate requires the agency and its program participants to proactively take meaningful actions to overcome patterns of segregation, promote fair housing choice, eliminate disparities in opportunities, and foster inclusive communities free from discrimination.

HUD anticipates that the proposed rule will help ensure that people in protected classes have equitable access to affordable housing opportunities, which can be a crucial lifeline for vulnerable populations that have long been denied equal access in many aspects of American life.

The AFFH proposed rule is vitally important for redressing continued disinvestment from communities of color, and ongoing discrimination in housing markets. Specifically, the proposed rule would require program participants to identify fair housing issues facing their communities, using both data provided by HUD and local knowledge, and then commit to taking responsive actions.

HUD welcomes robust public comment on this proposed rule. Public comments may be submitted for 60 days after the NPRM is published in the Federal Register, until April 10, 2023, through the rule’s docket on www.regulations.gov or through the mechanisms described in the Notice of Proposed Rulemaking.

REQUIREMENTS OF THE PROPOSED RULE

Program participants would submit to HUD for review and approval an Equity Plan ^[1] that contains:



Fair Housing Analysis



Fair Housing Goals



Fair Housing Strategies



A Description of Community Engagement

What are the questions that an Equity Plan needs to address?

- Demographics
- Segregation and integration
- Racially or ethnically concentrated areas of poverty (R/ECAPS)
- Access to community assets
- Access to affordable housing opportunities
- Access to homeownership and economic opportunity
- Local and state policies and practices impacting fair housing

How frequently are Equity Plans due? Equity Plans would be due every five years. Plans would be due 365 days before the due date of the Consolidated Plan or Public Housing Agency (PHA) plan, which almost all grantees must submit every five years.

Who does this this apply to? Certain HUD recipients of federal financial assistance.

Where else will Equity Plan strategies and goals show up? The proposed rule would require that HUD grantees incorporate goals and strategies from their Equity Plans into subsequent planning documents (e.g., Consolidated Plans, Annual Action Plans, and PHA Plans).

How will progress be evaluated? Grantees would be required to conduct and submit to HUD annual progress evaluations that describe progress toward and/or any needed modifications of each goal in the Equity Plan.

Can program participants collaborate? Yes, HUD expects many program participants to collaborate and submit a single “Joint Equity Plan” with other participants.

¹ The Equity Plan is a modified version of the Assessments of Fair Housing (AFH) performed under the 2015 AFFH Rule.