Affirmatively Furthering Fair Housing

In a Nutshell

Affirmatively Furthering Fair Housing works actively towards the implementation of the Fair Housing Act and promotes fair housing choice that is accessible to all people. The Fair Housing Act requires HUD to take affirmative action to promote racial integration, and in turn, local governments that receive federal funds must have plans that address fair housing. The St. Louis Regional Fair Housing Equity Assessment is available here.

The "How To"

The Fair Housing Act makes it illegal to discriminate based on race, color, national origin, religion, sex, disability, or familial status, and applies to housing and housing-related activities, including apartment and home rentals, real estate sales, mortgage lending, and homeowners insurance. Affirmatively Furthering Fair Housing (AFFH) works through HUD and state and local organizations receiving federal funding to identify and remove impediments to fair housing choice.

Discriminatory housing policies and practices have restricted opportunities for minorities to gain residences outside impoverished and resource-poor neighborhoods. Minorities, regardless of income, are more likely to live in a poor neighborhood. Prosperous communities have better school districts and more jobs, grocery stores, commercial enterprises, financial services, and other benefits. Impoverished and resource-poor communities are more likely to be located in food deserts, lack stable financial institutions, and have fewer employment opportunities. According to the U.S. Census Bureau, private and public fair housing organizations continue to report an overwhelming incidence of documented fair housing discrimination against people with disabilities.

Impediments to Fair Housing

Jurisdictions should conduct an analysis to identify impediments to fair housing choice. An Analysis of Impediments is availalbe here for the City of St. Louis and here for St. Louis County. An analysis of impediments (AI) includes:

- Geographic patterns related to the use of housing choice vouchers (Section 8)
- Mortgage and rehabilitation lending patterns by race and ethnic group
- Accessible housing for the disabled
- Housing complaints
- Demographic data
- Large minority concentration areas

After the impediments are identified, jurisdictions should take appropriate actions to overcome those impediments. Education on fair housing issues is a universal method for communities to use to address impediments.

Enforcement

AFFH can be enforced through HUD. HUD's Fair Housing Planning Guide thoroughly discusses AFFH. Types of enforcement activities are federal court enforcement actions and settlements, administrative complaints

alleging AFFH violations, HUD reviews of Analyses of Impediments to Fair Housing Choice, and HUD compliance reviews.

A statement provided by HUD and the Department of Justice states reasonable accommodations under the Fair Housing Act. This statement is a resource that provides answers to questions such as:

- What types of discrimination against persons with disabilities does the Act prohibit?
- Who must comply with the Fair Housing Act's reasonable accommodation requirements?
- Who qualifies as a person with a disability under the Act?
- How can a housing provider determine if an individual poses a direct threat?

Planning & Zoning

Federal Policies

The Fair Housing Act of 1986 explains the discrimination in sale or rental of housing and other prohibited practices, and discrimination in residential real estate-related transactions.

President Clinton's Executive Order 12892 requires all jurisdictions and recipients of federal funds and/or grant awards to abide by AFFH mandates. This includes money awarded by a federal agency or a state government to recipients.

HUD Report Card

Affirmatively Furthering Fair Housing at HUD: A First Term Report Card Part II reviews the AFFH enforcement policies and implementation strategies between 2009-2012. The AFFH Report Part II outlines the process when cities and counties violate the Fair Housing Act while receiving federal money. The Department of Justice has sued cities that have violated the Fair Housing Act. Also, HUD has rejected Analysis of Impediments (AIs) and can deny Community Development Block Grant Action Plans based upon the Fair Housing Act. Cities and counties need to keep their AIs updated.

Dollars & Cents

To help fund the cost for AFFH, HUD funds are available for Fair Housing programs. Funding sources include the Education and Outreach Initiative (EOI), Fair Housing Organizations Initiative (FHOI), and the Private Enforcement Initiative (PEI). Each one of these programs should comply with AFFH policies. The Notice of Funding Opportunities (NOFO) is published each year on Grants.gov for HUD's discretionary funding programs.

Discover More

Fair Housing Equity Assessment (FHEA)

This assessment addresses issues of racial disparities and access to opportunities throughout the St. Louis region. The FHEA involves not just data analysis and evaluation, but the engagement of such data that informs strategy development and planning in order to address ways of creating inclusive and sustainable communities. (Find Appendix 2 for the report here.)

Sustainable Communities

Sustainable Community planning includes policies and programs that focus on increasing the quality of life for low-income residents in low opportunity communities. Sustainable Community planning also calls for options to move low-income residents to high opportunity communities. Another goal of Sustainable Community planning is the reduction of racial and economic residential segregation and school segregation through AFFH.

HOPWA

Housing Opportunities for Persons with AIDS (HOPWA) ensures that all HUD programs and initiatives address the needs of people with HIV/AIDS. HOPWA funds are available for technical assistance, for states and cities for the consolidated planning process, and for a competitive program open to states, cities, local governments, and nonprofit organizations.

Case Studies

Madison County IL

Description

Madison County conducted an analysis of impediments to fair housing. Advertisements revealed that certain popoulations were targeted to live in various neighborhoods based upon gender, age, and race. Results showed that people were treated differently based on familial status and race. Surveys and focus groups revealed that 31% experienced housing discrimination. The main reasons for racial segregation were cited as the following:

- Public perception about crime/education
- Historical patterns of exclusion
- Personal preferences
- Location of subsidized housing

Impediments

A total of 11 impediments were addressed, along with goals and recommendations. Impediments included restricted access or services for the elderly, foreign-born, and persons with disabilities. There seemed to be a lack of investment in low-wealth communities. Segregation and discrimination persisted, with no plan for integration for communities and schools. Exclusionary residential patterns created inequitable and inefficient resources in certain neighborhoods. Overall fair housing planning needed improvement.

Goals

Goals were the following:

- Engage the public in fair housing practices and find a method to end discrimination

- Ensure that the housing market is open to all, regardless of protected class
- End concentrated poverty and segregation
- End exclusionary residential patterns
- Support stable and integrated communities
- Prepare for housing increases

Recommendations

Recommendations to achieve fair housing in Madison County were the following:

- Ensure fair housing market practices regardless of race, age, sex, and disabilitiies
- Attempt to end highly concentrated areas of impoverished and segregated neighborhoods
- Educate the public through distribution of flyers and deliver presentations
- Enact public awareness campaigns
- Train Madison County officials on Fair Housing practices

Outcomes

Fair housing education planning and outreach were some measurable outcomes. Fair housing education seemed vital to end housing discrimination. 120 people received fair housing brochures. To engage the public, five public hearings were held. Madison County officials participated in fair housing training sessions. Analysis of impediments were made available online for officials and the public to view.

Cost $0