

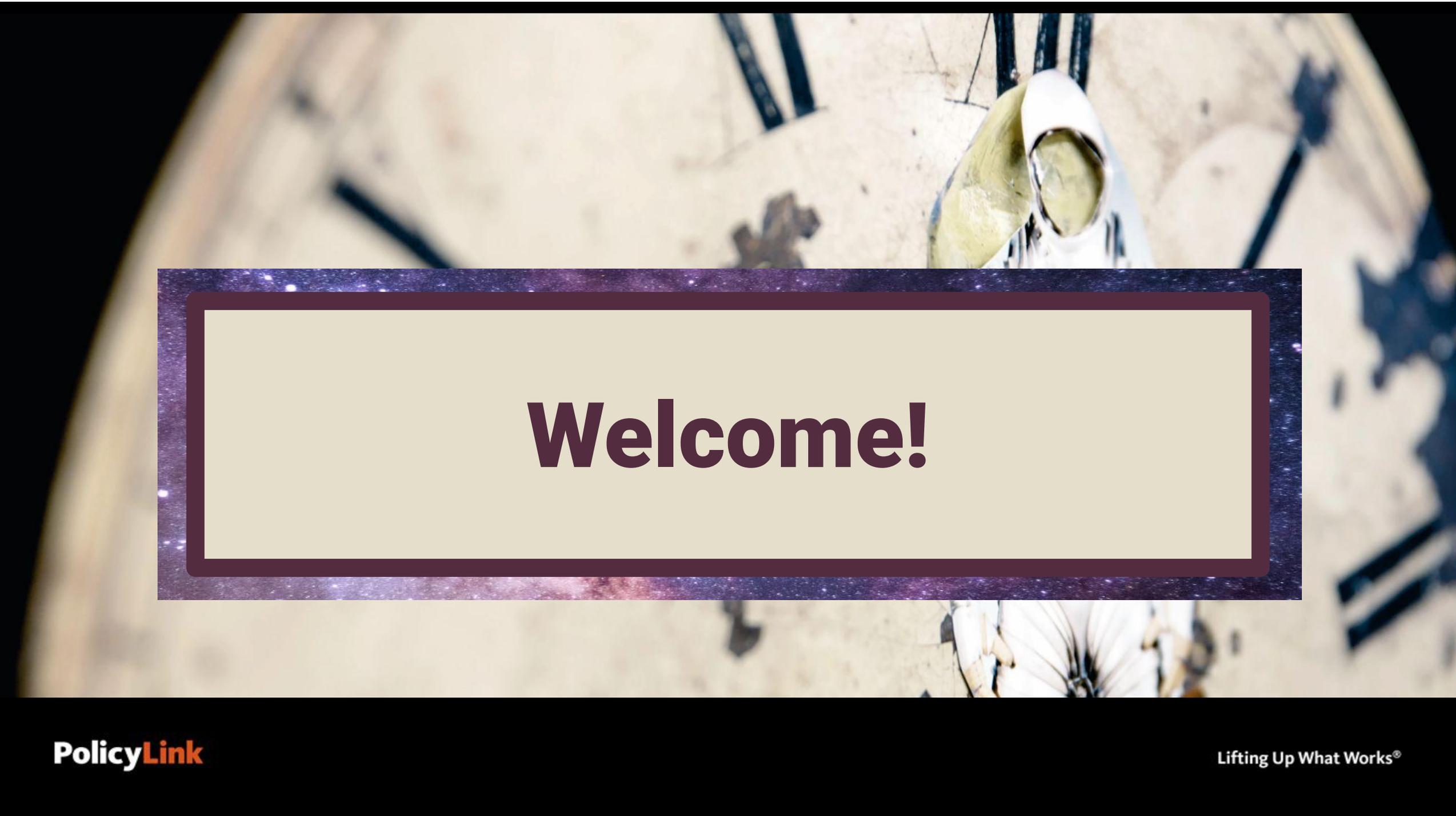
# Our Housing Futures: Proposed AFFH Rule 101

## February 8, 2023



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# Affirmatively Furthering Fair Housing (AFFH)



# Welcome!

# HOUSING FUTURES



# AGENDA

1. What is AFFH?
2. Historical Context of AFFH
3. How AFFH Can Impact Communities and Advance Housing Justice
4. How Grassroots Organizers have used AFFH
5. PolicyLink AFFH Comment Guide & Cross-Sector Engagement
6. Q & A





**Angela Glover Blackwell,  
Founder in Residence at PolicyLink**

# What is AFFH?

**Affirmatively Furthering Fair Housing (AFFH)**

The AFFH rule requires that jurisdictions receiving public federal funds assess disparities and, based on the analysis, target federal resources in a manner that solves chronic, persistent disparities in housing choices and access to fair housing.

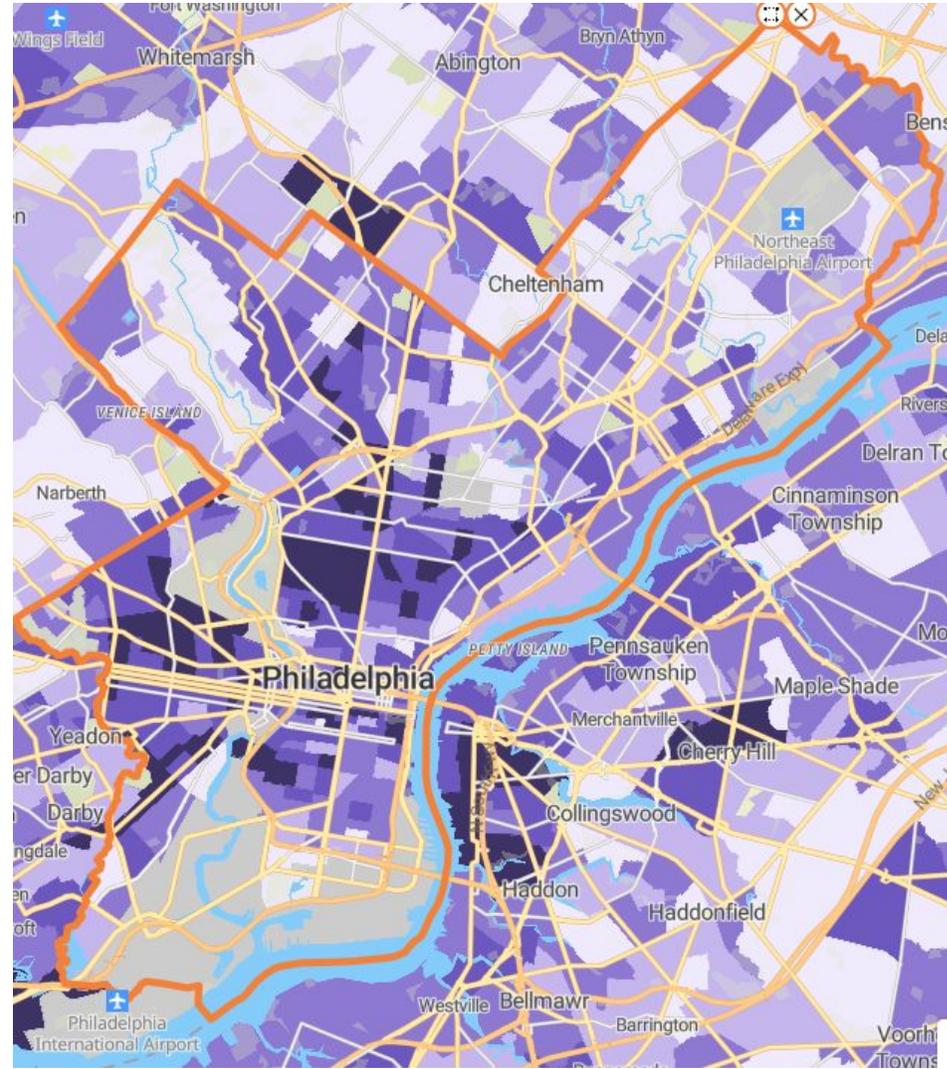
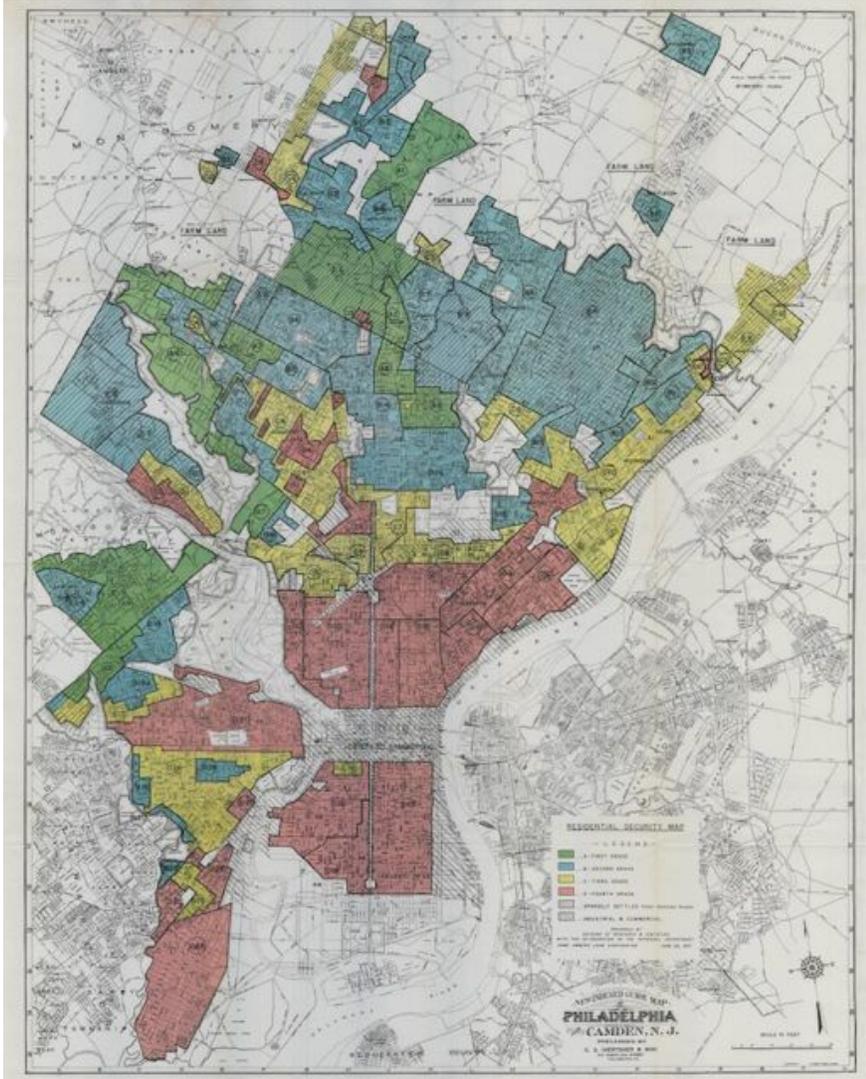
- Implements the Fair Housing Act's Affirmatively Furthering Fair Housing mandate by requiring state and local communities and PHAs to identify and address fair housing issues.
- Prior to the 2015 AFFH Rule being codified, AFFH was unevenly enforced
- A process that encourages:
  - data-driven analysis
  - regional and cross-sector collaboration

# Why does it matter to us?

- 2015 AFFH required cities to do an Assessment of Fair Housing (AFH), which are an important avenue for policy change at the local level
- AFFH was intended to help HUD grantees weave together **housing, health, transportation, education, environmental and economic development approaches** that support the transformation of areas of concentrated poverty into thriving communities

# Why do we need the AFFH Rule?

- Where you live determines your access to:
  - Jobs
  - Education
  - Transit
  - Health and Social Services
  - Healthy Food
  - Credit
  - Environmental Health
  - And many other factors...
- Today's disparities are the result of yesterday's decisions



Estimated percent of housing units that were vacant in 2017-2021. ⓘ

Source: Census

Year: 2017-2021 ▾ Variable: Percent ▾

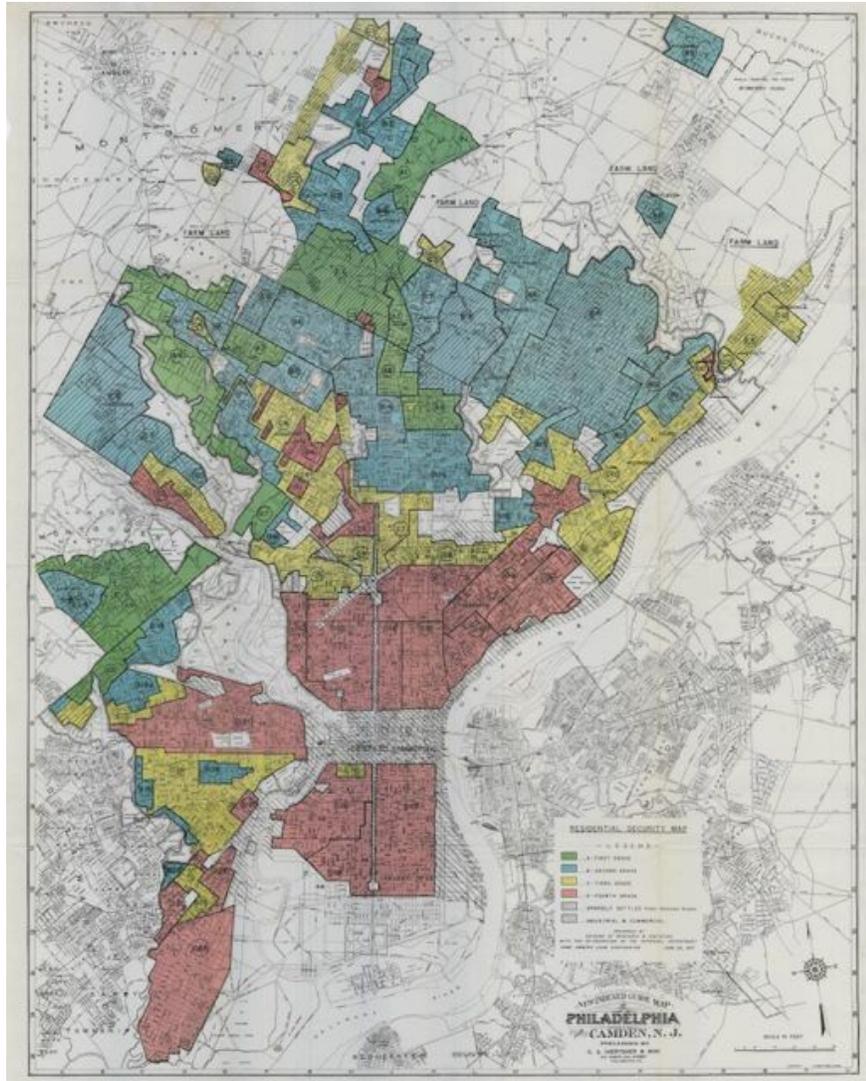
COLORS ▾ RANGES ▾

- Insufficient Data
- 3.41% or less
- 3.42% - 6.44%
- 6.45% - 10.25%
- 10.26% - 16.86%
- 16.87% or greater

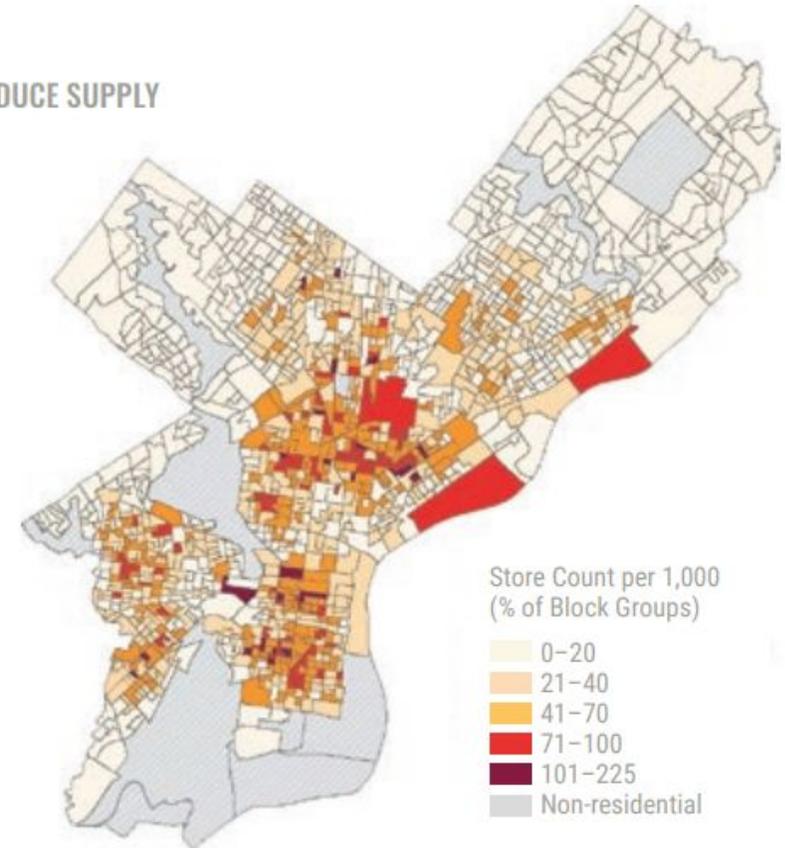
US Data  Map Extent

Shaded By: Census Tract, 2020 ▾

Vacant Properties: Philadelphia, PA; Estimated percent of housing units vacant in 2017-2021. Source: PolicyMap.

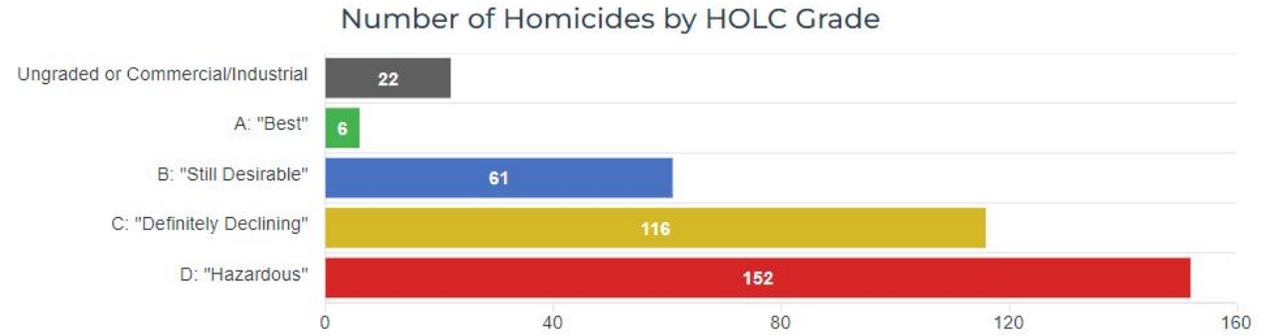
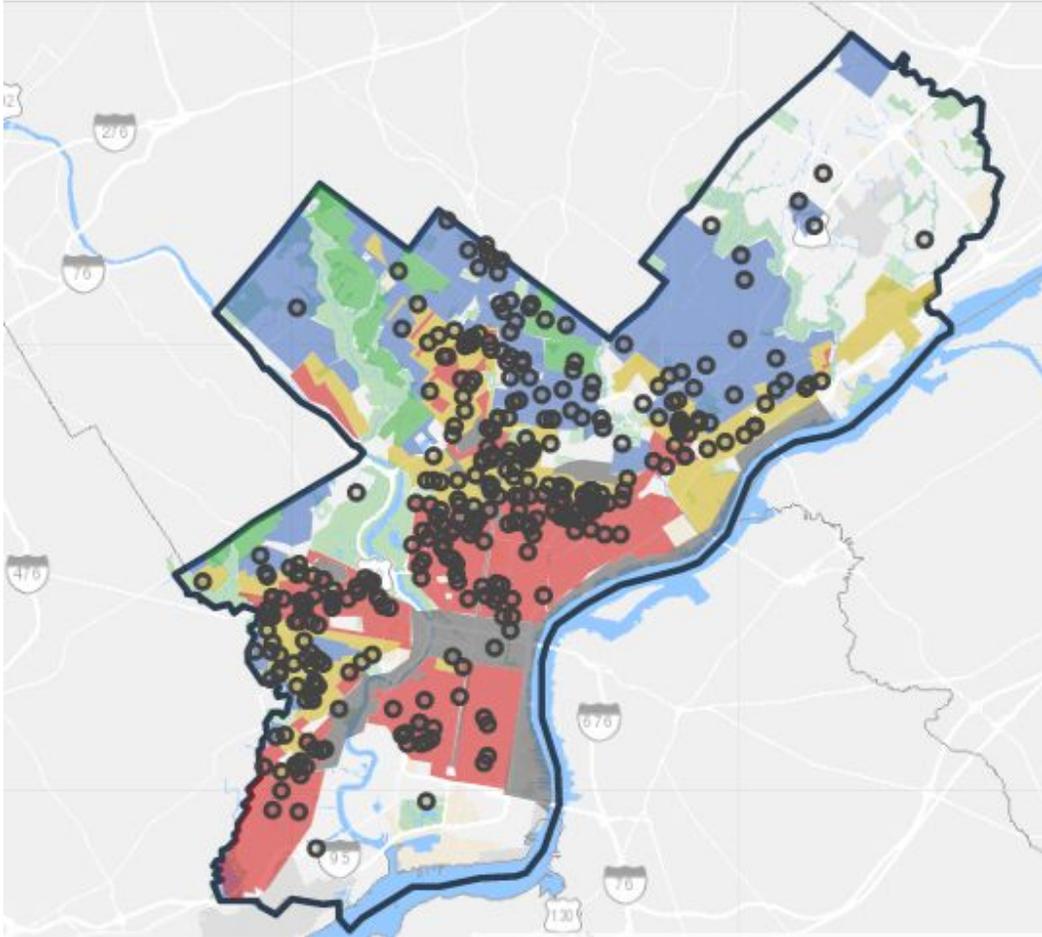


### STORES WITH LOW PRODUCE SUPPLY



SOURCE: 2019 Neighborhood Food Retail Report, Division of Chronic Disease and Injury Prevention, PDPH

Stores with Low Produce Supply: Philadelphia, PA; 2019.  
Source: "Health of the City 2020" report, Department of Public Health, City of Philadelphia.



Number of Homicides by HOLC Grade: Philadelphia, PA; 2019.  
Source: Office of the Controller, City of Philadelphia

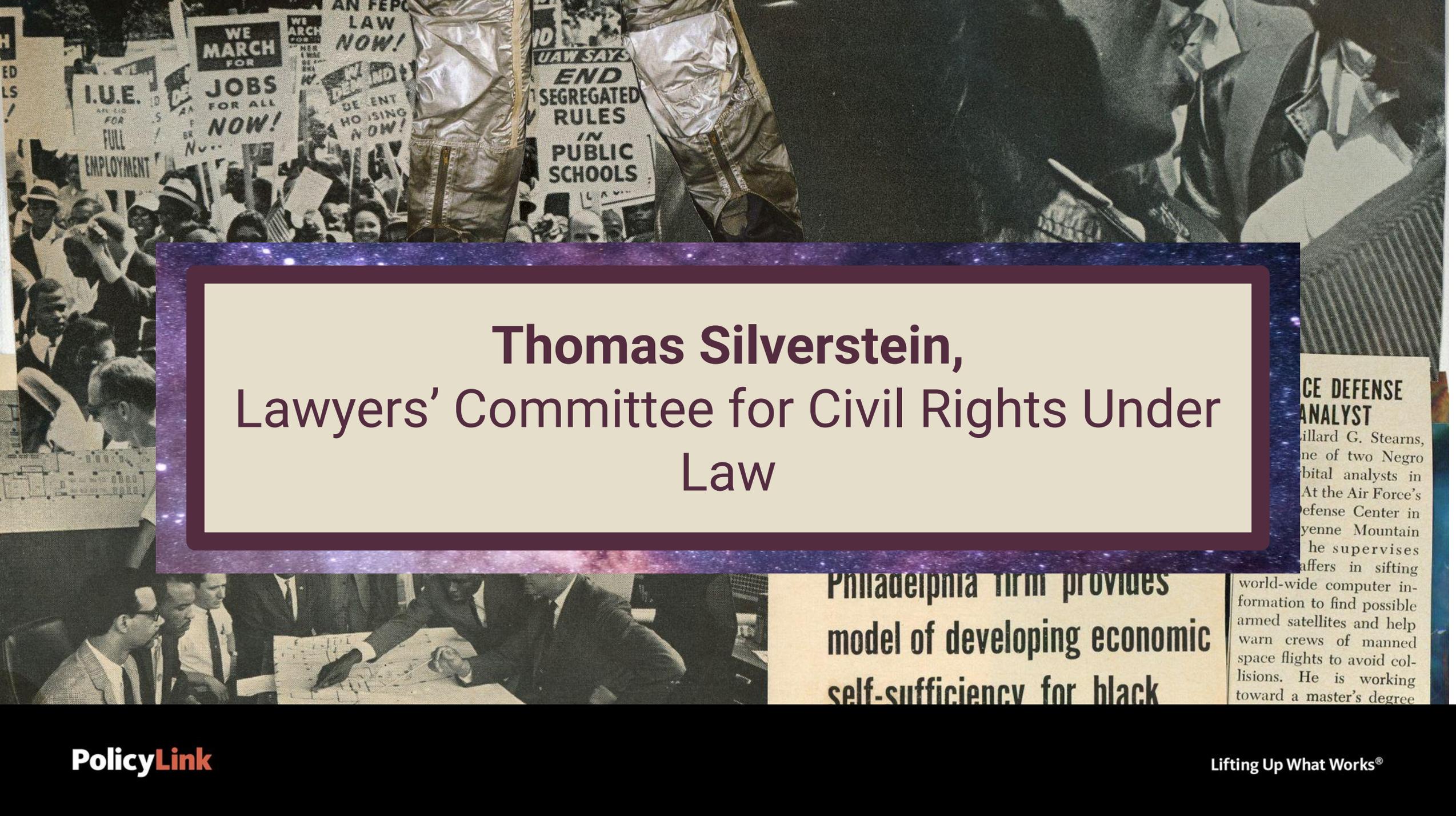
# The New 2023 AFFH Rule

- Builds on 2015 AFFH Rule Framework
- Equity Plans - staggered across program, based on size and year; every 5 years
- Defines fair housing more comprehensively
- Community Engagement Section
- Compliance and Complaint Process
- Clear links to the Consolidated Planning, Annual Action Plan, and PHA Plan Processes



**A strong AFFH rule provides local and regional leaders with the tools and incentives necessary to:**

- 1.** Invest in historically disinvested and currently under-resourced neighborhoods.
- 2.** Expand opportunities and housing options for those in disinvested neighborhoods.
- 3.** Advance equity and build a future where all neighborhoods allow communities to thrive.



# Thomas Silverstein, Lawyers' Committee for Civil Rights Under Law

## SPACE DEFENSE ANALYST

William G. Stearns, one of two Negro orbital analysts in the Air Force's Defense Center in Dayton, Ohio, supervises the sifting

of world-wide computer information to find possible armed satellites and help warn crews of manned space flights to avoid collisions. He is working toward a master's degree

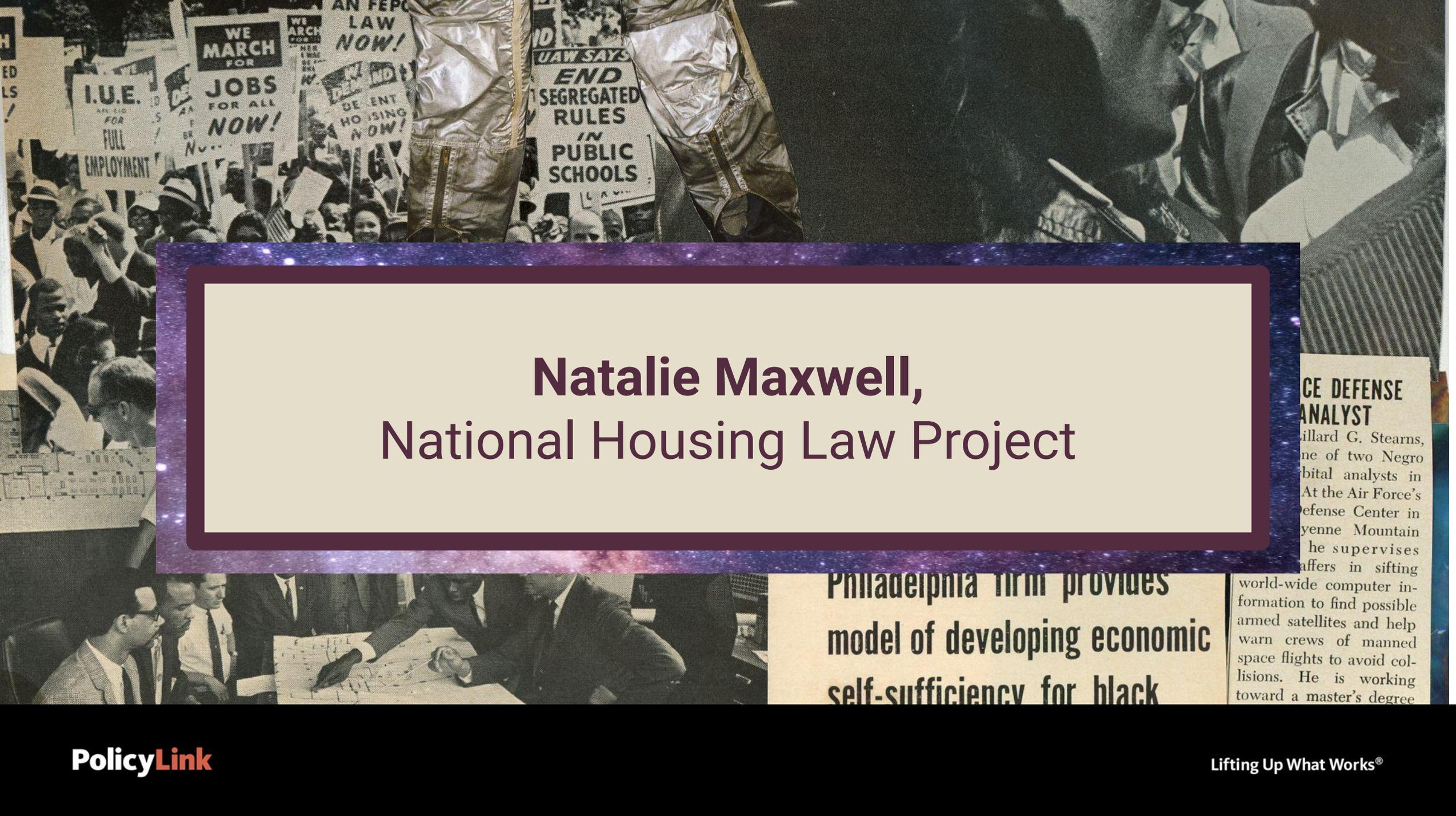
### Philadelphia firm provides model of developing economic self-sufficiency for black

## 2015 Rule Success Stories

- The 2015 rule resulted in more robust fair housing planning than many communities had ever seen.
- Steil and Kelly's review Assessments of Fair Housing (AFHs) and HUD's review of AFHs showed that grantees adopted more robust goals than in earlier Analyses of Impediments to Fair Housing Choice and that HUD's review process improved the substance of plans without resulting any jurisdictions losing funding.
- Major goals included steps like right to counsel in eviction proceedings, zoning reforms, and more and better targeted affordable housing investment.

## 2023 Key Features

- Equity Plan process - including contents, community engagement, review process, and timeline for implementation.
- Provisions for the time period prior to implementation of the Equity Plan requirement.
- Complaint process.



# Natalie Maxwell, National Housing Law Project

## SPACE DEFENSE ANALYST

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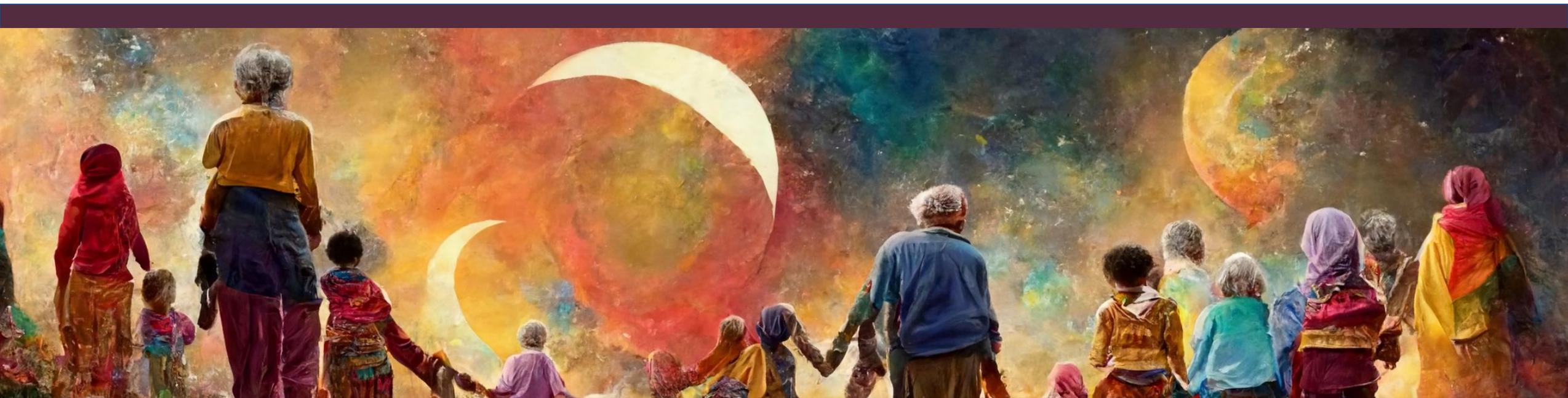
# Advancing Housing Justice through the AFFH Proposed Rule

- Provides a structured fair housing planning process that requires HUD funding recipients to assess barriers to fair housing and access to opportunity, and to set goals to overcome obstacles to fair housing
- Planning process presents a key opportunity to empower impacted communities to call attention to fair housing issues
- Provides minimum requirements for community engagement, particularly by impacted communities who can provide vital local context, and an AFFH complaint process

# Using the Public Comment Process to Strengthen the Rule

- To ensure that key features make it into the final rule
- To address problematic practices and policies (e.g. discriminatory land use and zoning practices, discrimination against Voucher holders, crime-free housing policies/nuisance ordinance, etc.)
  - Working with PHAs to Adopt Policies that Affirmatively Further Fair Housing: An Advocacy Guide and Toolkit for Local Advocates (July 2021)
- To build community power and increase community engagement, esp. around fair housing issues

# How have organizers used AFFH as a tool to advance housing justice?



# PREDICT THE FUTURE

**Lincoln Larmond,**  
Boston Tenant Coalition & Community  
Advisory Council for AFFH  
Boston, MA

# City of Boston Assessment of Fair Housing

- Adoption of the AFH by Executive Order by Mayor Michelle Wu
- How we got here

## 2015 Obama AFFH Rule

“Take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.”

## How We Got Here

1. Co-partnership between the City of Boston and CAC: commitment of Mayor Walsh, willingness of City to accept our advocacy and contributions
2. Leadership of Mayor Michelle Wu who signed executive order within 90 days of her administration
3. Membership, strength, commitment, knowledge, and perseverance of the CAC
4. Community partners
5. Boston Tenant Coalition: anchor organization leading the CAC
6. **Most importantly:** How we got here is a testament to and affirmation of the Boston residents who shared their stories and whose voices and lived experiences expertly informed the policies and goals of AFH

# Who Are The CAC (Community Advisory Council)?

- The group was and is a fantastic complement of experiences, knowledge, and commitment who were very determined, professional, and resolute in our advocacy
- We pushed the city to step out of its comfort zone, challenged its assumptions and practices we didn't support relative to fidelity to residents' feedback, and prioritized our interpretations of what constituted comprehensive and needed fair housing changes, which resulted in co-drafting the AFH
- Included: fair housing advocates, legal advocates, academics, housing advocates, environmental justice advocates, represented the community's voices

# CAC Goals

The CAC's goals for the AFH was to ensure the following:

- Comprehensive
- Addressed historic inequities
- Policies reflected lived experiences of residents
- Goals responsive to community feedback
- Goals were prescriptive, not simply aspirational
- Executive order adopting AFH directing city departments to implement goals
- Independent monitoring committee created to measure and evaluate progress toward goals established during implementation
- Serve as the foundation for an equity plan and the transformative delivery of city services through an equity lens

# Reflect Resident Voices

- Partnered with 35 community-based organizations
- 14 community meetings attended by 500 residents who provided in-depth feedback via breakout groups and surveys
- Boston Housing Authority sent out surveys to clients: 2000 responses
- 500 responses to surveys from meetings - many of the total 2500 survey responses and feedback were incorporated into the AFH
- CAC, specifically BTC, identified community leaders in key neighborhoods that reflected specific protected classes
- Trained leaders to present their own meetings, provided stipends to help co-facilitate, or supported independent facilitation of meetings
- Virtual town hall in June 2020 to report back progress related to AFH

# Assessment of Fair Housing Goals

AFH comprises 14 goal categories and 108 goals:

1. Increase Housing Availability and Accessibility for Older Adults and People with Disabilities
2. Reduce and Prevent Homelessness
3. Build and Strengthen Regional Strategies to Create Housing and Further Fair Housing
4. Expand Housing Choice for Voucher Holders
5. Redevelop and Preserve Existing Public and Income Restricted Housing
6. Enhance Fair Housing by Creating Economic Opportunity
- 7. Use Zoning as a Fair Housing Tool**
8. Reduce the Disparity in Homeownership Rates by Race and Ethnicity

## Assessment of Fair Housing Goals, cont'd

9. Develop Practices across Agencies that Instill the Use of an Equity Lens
  10. Promote Equitable Access to Housing and Reduce and Eliminate Discrimination, Both Intentional and Unintentional
  11. Ensure the Equitable Distribution of City Resources Based on Need by Providing Supports for Rent-Burdened Residents and Residents Facing Potential or Actual Displacement
  12. Increase Resources for Housing and Homelessness
  13. Create Healthy Homes and Promote Collaboration Between Efforts to Address Housing, Health, and Safety
  14. Address Discrimination Against LGBTQIA People and Create LGBTQIA Inclusive Housing Opportunities
- \*Prescriptive, Not Aspirational\***

# Zoning Amendment

- Goal 7.1 was one of the key goals of the AFH
- Amending Boston's zoning code to include anti-displacement and AFFH language
- Boston City Councilors Lydia Edwards and Kenzie Bok
- Inside outside game
- City Council unanimously voted to amend the Boston zoning code in December 2020
- Operational on March 15, 2021, making Boston the first city in the country to require certain development projects include strategies for achieving Affirmatively Furthering Fair Housing goals

## Zoning Amendment Outcome

- AFFH Assessment Form: Large Projects (50,000 sq ft and above) must complete to secure BPDA Board approval
- Requires planned projects contribute to the creation of Affirmatively Integrated Communities
- Boston Interagency Fair Housing Development Committee (BIFDC) reviews developers' responses to the AFFH Assessment Form and makes recommendations to Boston Planning and Development Agency (BPDA)
- More transparency/democratization of information

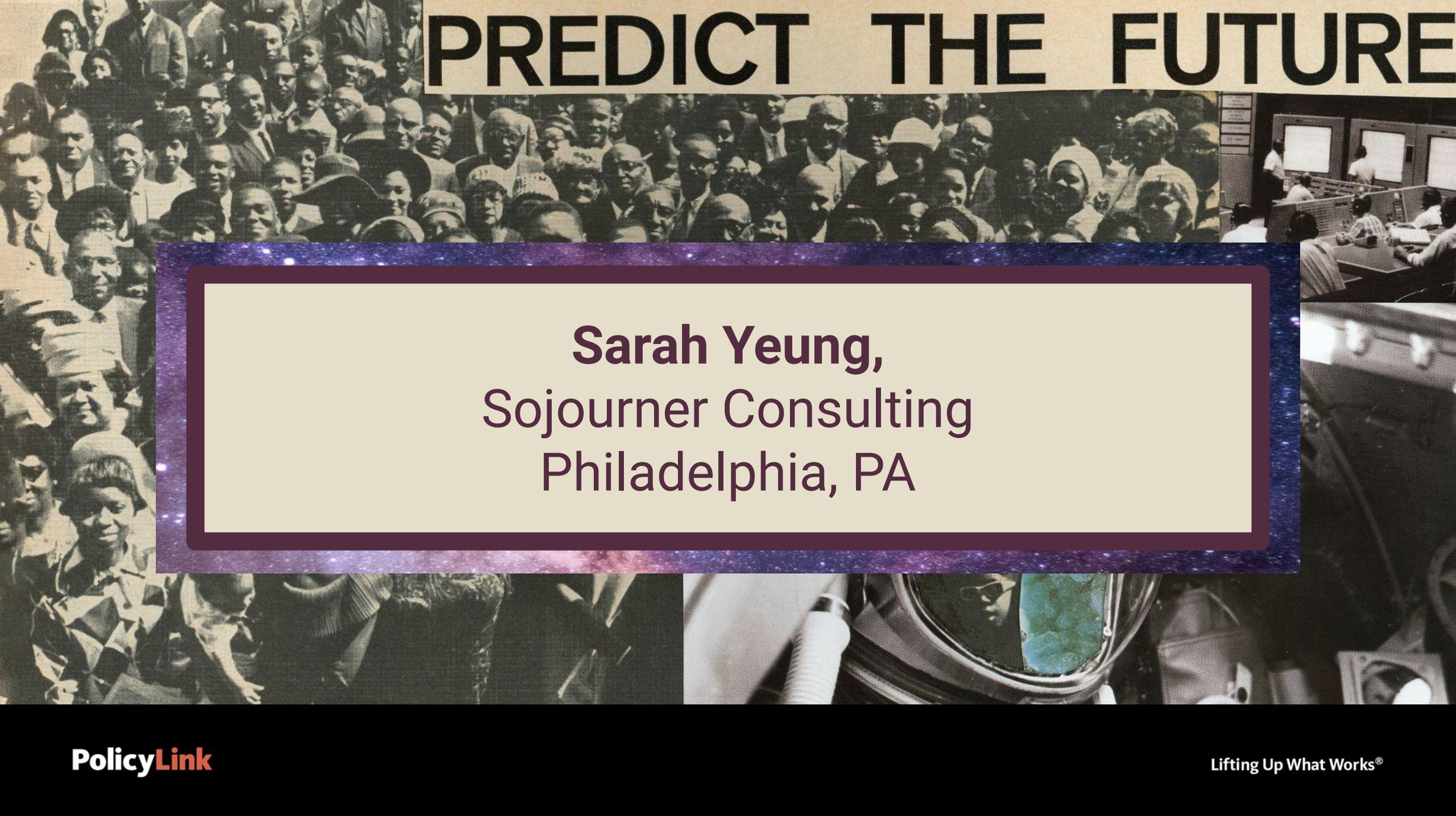
# Challenges

- Lack of awareness
- Training and education: BTC and its partners have been providing training and education regarding the AFFH Assessment Form and its tools, but this requires dedicated funding
- Thankfully, The Boston Foundation has stepped in and provided funds to BTC to help hire someone to review some of the BIFDC's work and assist with training and education
- There needs to be a large-scale campaign to educate communities
- BIFDC - gatekeepers
- Need to review BIFDC process - also requires dedicated funding
- Community representation on the BIFDC

## Phase II: Post-Executive Order

- Working with the City to move implementation
- Growing the CAC/Monitoring Committee
- Better defining the role of the monitoring committee
- Sub-goal of Goal 7: audit of the BPDA and its practices relative to its orientation or lack thereof to affirmatively further fair housing
- Temporary hold on implementation: Mayor Wu is committed to implementation
- The zoning amendment is one aspect of the AFH and despite the challenge regarding community utilization of the tool due to lack of awareness, we believe it is revolutionary and will become more effective with use
- Looking forward to implementation of the 100+ goals and monitoring

# PREDICT THE FUTURE

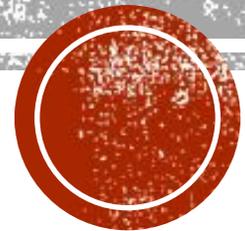


**Sarah Yeung,**  
Sojourner Consulting  
Philadelphia, PA

# AFFH IN PHILADELPHIA

Sojourner Consulting

Sarah Yeung



# 2017 – LOCAL CONDITIONS

- Shifting demographics with growing Latino and Asian communities, and increasing pressures on extremely low-income renters, created natural advocacy blocs
- Existing housing programs and policies favored homeowners and LMI individuals
- Decentralized system of housing delivery relied on contractors to extend access
- AFFH was a new oversight process with required coordination between HA and city
- Data: internal, disaggregated, place-based, comprehensive



# PHILLY ADVOCATES

- African Cultural Alliance of North America (ACANA) - \*2022 only
- Ceiba
- Community Legal Services
- Philadelphia Chinatown Development Corp.p
- Public Interest Law Center
- Regional Housing Legal Services



# 2017 – LEARNINGS

- With limited resources, advocates won important policy and knowledge gains, particularly for anti-eviction efforts
- General increased awareness of renter and LEP needs, media and academic attention
- Formed basis for future collaborations
- Created perspective shift for the city from a triage approach to a more holistic, long-term understanding of widely seeding opportunity



# 2022 – STANDING IN THE GAP

- Non-compulsory process and lack of capacity led to city and HA stepping back involvement, although the city maintained a strong commitment
- LEP coalition focused on maintaining the long-term potential of AFFH and creating a bridge to future advocacy
- Post-pandemic organizing conditions meant operating in shifting meeting norms and decreased organizing capacity
- Data shifted to be more qualitative and targeted; limited sharing of internal data
- Lack of “newsworthiness”



# TAKEAWAYS

## Learnings

- Capacity-building and coalition-building needs for focused, short-term AFFH engagement can be resource-intensive
- Conceptual inaccessibility means it's hard to get buy-in from brokers, organizers need to be involved in messaging
- Local conditions shape opportunity

## Opportunities

- New collaborations are difficult to set up but can be deeply impactful
- Initial process is a rare chance to broaden perspective of policymakers and others and consider new paradigms
- Some resources needed in order to follow up and develop advocacy opportunities created by AFFH



# Designing Our Just Housing Futures: AFFH Public Comment Toolkit



**Affirmatively Furthering Fair Housing (AFFH)**

# Designing Our Just Housing Futures: AFFH Public Comment Toolkit

- Coverage on Introductory Topics:
  - What is the AFFH Rule?
  - The Federal Rulemaking and Commenting Process
- Steps to Submitting a Powerful Comment
  - Uplifting Equity in Your Comments\*
- Data and Research Tools to Build Your Case
- Cross-Sector Engagement with AFFH

## Designing Our Just Housing Futures Affirmatively Furthering Fair Housing (AFFH) Public Comment Guide

Tram Hoang, Jasmine Rangel, and Rasheedah Phillips



# How to Uplift Equity in Your Public Comment:

Equity Considerations	New AFFH Rule
<b>Equity consciousness: historical and systemic framing</b>	Does the rule demonstrate an awareness of systemic racism, segregation, and discrimination, and how that plays into fair housing issues?
<b>Race consciousness</b>	<p>Does HUD identify the differing housing needs and disparities that exist among different racial and ethnic communities?</p> <p>Does HUD uplift AFFH as a means to addressing those inequities?</p>
<b>Prioritization of equity</b>	Does HUD explicitly name equity as a priority that jurisdictions should prioritize when completing fair housing assessments?
<b>Reparative Equity</b>	<p>Does the rule name reparative work as a critical component of achieving equitable, healthy communities of abundant opportunity?</p> <p>Does the rule provide opportunities or guidance around supporting reparative work for past and present injustices?</p>

# How Cross-Sector Partners Can Engage with AFFH

Sector	Why it Matters
<b>Education</b>	<ul style="list-style-type: none"> <li>• State and local K–12 education policies are closely related to housing and urban development outcomes in how they impact access to high-performing schools for members of protected classes.</li> <li>• Housing affordability issues often drive socioeconomic and racial diversity in neighborhoods as well as the ability of school staff to live near where they work.</li> </ul>
<b>Transportation</b>	<ul style="list-style-type: none"> <li>• By better connecting high unemployment communities to job centers through transit, people previously isolated from employment opportunities can better engage in the workforce and contribute to local economies.</li> <li>• As cities expand their public transportation systems into historically disinvested neighborhoods, the risk of housing displacement increases for low-income residents, especially renters.</li> </ul>
<b>Environmental Justice and Climate Equity</b>	<ul style="list-style-type: none"> <li>• Decades of discriminatory zoning practices, federal discrimination, urban renewal, and historic disinvestment in communities of color have led to disproportionate exposure of Black, Indigenous, and other communities of color to climate-related disasters, environmental pollution, or co-location to toxic waste sites</li> </ul>

# How Cross-Sector Partners Can Engage with AFFH

Sector	Why it Matters
<b>Workforce Development and Economic Equity</b>	<ul style="list-style-type: none"> <li>When there is a spatial mismatch between economic opportunities (i.e., jobs and training) and affordable, transit-accessible housing, workers and job-seekers face significant cost, time, and logistical hurdles to participating in the local economy.</li> <li>Places that support the development of high-quality affordable housing and new infrastructure in disinvested neighborhoods also create new jobs, both in the short and the long term for communities.</li> </ul>
<b>Community Safety and Justice</b>	<ul style="list-style-type: none"> <li>Individuals who have been involved in the criminal-legal system are disproportionately people of color, people with disabilities, and LGBTQ individuals. Tenant screening practices that use criminal records and credit checks to screen tenants out of homes discriminate against justice-involved people, denying them the opportunity to achieve housing stability post-incarceration and putting them at risk of homelessness and recidivism.</li> </ul>
<b>Health Equity</b>	<ul style="list-style-type: none"> <li>Health equity is achieved when everyone, regardless of race, neighborhood, or financial status, has a fair and just opportunity for health—physical, mental, economic, and social well-being. Attaining this goal means working not only within the health-care system, but also across the many systems and institutions that affect how families live, work, learn, and play.</li> </ul>

# Designing Our Just Housing Futures: It's Your Turn!

Do you plan to submit a public comment on the  
proposed AFFH Rule?

A photograph of a space shuttle launch is shown in the background. On the right side, there is a newspaper clipping with text that is partially visible. The text includes phrases like "the plant.", "employees are cleared by the Defense Dept. be-", "national security importance of their work. The firm", "has an impressive array of managerial talent—men who previously", "security", "typified", "ery per", "to accep", "it a try", "ch other", "ding the", "ballard t", "ave eve", "nager c", "le is cou".

**Affirmatively Furthering Fair Housing (AFFH)**



Shades and

# Q & A

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THANK YOU!

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