



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
**Office of Economic Resilience**  
WASHINGTON, DC 20410-0050

**Program Policy Guidance Number 2014-02**

**Date:** September 8, 2014

**Subject:** Regional Analysis of Impediments Guidance for SCI Grantees

**Status:** Current

**Applicability:** All OER Grantees

**How to use this guidance:**

There are three parts for this guidance:

- I. Overview of the Regional Analysis of Impediments
- II. Components of Regional Analysis of Impediments
  1. Segregation and Integration
  2. Racially and Ethnically Concentrated Areas of Poverty (RCAP/ECAP)
  3. Access to Community Assets
  4. Fair Housing Environment
  5. Infrastructure Investments
  6. Public Participation
- III. Regional Analysis of Impediments Development Process (3-Ds discussion)

**PART I: OVERVIEW**

HUD's Office of Economic Resilience (OER) presently requires all Sustainable Communities Initiative (SCI) Regional Planning grantees to complete a Fair Housing Equity Assessment (FHEA). The grantees each have the option of choosing to develop a Regional Analysis of Impediments (RAI) in lieu of the FHEA, which (if prepared in accordance with the standards set forth below and in the Fair Housing Planning Guide) would fulfill the FHEA requirement as well as the HUD AFFH regulatory requirement for any participating jurisdiction or state that signed on. The option to prepare an RAI also offers SCI grantees an opportunity to develop more meaningful deliverables while conserving resources and reducing duplication. This guidance, a written product reflecting the information shared in the 2012 online webinars, will assist grantees in structuring their fair housing analyses.

HUD will make available fair housing data to SCI regional planning grantees to assist them in their assessment of the availability of fair housing choice in their regions and in overcoming barriers to such choice. In addition to any available local or regional information and information gained through community participation and consultation, HUD will provide, as a resource for grantees, a set of nationally uniform regional data on patterns of integration and segregation; racially and ethnically concentrated areas of poverty; access to neighborhood assets such as education, employment, low poverty, transportation, and environmental health, among others; disproportionate housing needs; data on individuals with disabilities and families with children; and fair housing infrastructure. HUD will also provide public housing authority (PHA) site locational data (including, to the extent available, units

accessible for persons with disabilities), the distribution of Section 8 housing choice vouchers (HCVs), and occupancy data.

As with all data metrics, the measures in each category have strengths, as well as limitations. Limitations arise in particular in this instance because the metrics rely on nationally available data, which are often coarser than data available for some localities. For example, measures for schools are reliant on broadly available test score information and not detailed measures of instructional quality, while measures of transit may not reflect the multitude of transit options (bus, trolley, ferry) in some communities. Grantees will have the flexibility to supplement or replace HUD measures when better local alternatives exist. Moreover, because research on measuring access to community assets is continually evolving, HUD is committed to reviewing the data on an ongoing basis for potential improvements. Through the webinars and this guidance, OER offers grantees support and assistance in examining the ways in which a region may creatively and effectively affirmatively further fair housing, consistent with the statutory obligation that HUD grantees have under the Fair Housing Act. The Fair Housing Act not only prohibits discrimination but, in conjunction with other statutes, directs HUD program participants to take proactive steps to overcome historic patterns of segregation and promote fair housing choice.

HUD's expectation and hope is that SCI planning grantees will undertake a thoughtful dialogue and deliberation of these difficult issues. By grappling with these issues and incorporating fair housing and equity considerations into regional planning, regions will see beneficial and potentially profound effects on the lives of their residents for generations to come.

On July 19, 2013 HUD published a new proposed rule to Affirmatively Further Fair Housing (AFFH) in the Federal Register and made available background materials and a prototype geospatial tool.<sup>1</sup> In that newly proposed regulation, HUD proposes an improved structure and process whereby HUD would provide individuals, organizations, and state and local governments implementing HUD programs with guidance, data, and an assessment template from which they would complete an assessment of fair housing (AFH). This assessment would then link to Consolidated Plans, PHA Plans, and Capital Fund Plans, meaningfully informing resulting investments and related policies to affirmatively further fair housing.

The proposed rule was drafted in response to a 2010 GAO report and numerous requests from stakeholders, advocates, and HUD program participants seeking clear guidance and technical assistance. The proposed rule refines existing requirements under the Fair Housing Act and specifically provides program participants with:

- A more clearly articulated definition of what it means to affirmatively further fair housing;
- An assessment template that replaces the current, loosely defined Analysis of Impediments;
- Nationally uniform data and a geospatial tool; and
- Clear guidance and technical assistance.

Given that the proposed procedural and analytical requirements would supplant the existing AI requirements, OER grantees should consider their fair housing planning needs and consolidated planning cycles when completing an AI. The final AFFH Rule would not take effect until Fall 2014 at the earliest. Given the three-year timeline for the SCI grants, all SCI grantees who opt to use their FHEA

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<sup>1</sup> The docket for HUD's Affirmatively Furthering Fair Housing Proposed Rule and supplementary documents may be found here: <http://www.regulations.gov/#!documentDetail;D=HUD-2013-0066-0001>

requirement as a starting point for completing an RAI should have turned in the RAI before the rule takes effect. Thus, Grantees would not need to update or create a new AFH until the start of the next consolidated planning cycle. As noted in the proposed Rule, HUD will work with grantees to align the AFH and Consolidated Plan/PHA Plan submission cycles

Grantees may choose to produce a standalone FHEA document or one that is incorporated within other documents, specifically the final regional plan deliverable. As noted in previous guidance from OER, the FHEA has three dimensions to it: data analysis, deliberation and decision-making. *For the RAI, the region is encouraged to produce a standalone document.*

***Please note:** all components in italics are RAI elements that are not required for a FHEA. We encourage you to consider including them, even if you are completing a FHEA. For detailed requirements of RAI versus FHEA, please refer to HUD FHEA policy guidance and other documents published on HUD FHEA website.*

### **HUD Support**

HUD views the RAI as an important step forward as the Department pursues regional planning and implementation strategies. OER GTRs (Government Technical Representatives) will ensure that all regional planning grantees fulfill the FHEA requirement. OER CBIs (Capacity Building Intermediaries) are also designated to provide support to grantees on these requirements. In addition to the above, for those SCI grantees submitting an RAI, staff from the Office of Fair Housing and Equal Opportunity (FHEO) will ensure compliance with the Fair Housing Act and the obligation to affirmatively further fair housing embodied in the RAI process.

***FHEO Staff will review one detailed outline and one RAI draft from each grantee that is completing the RAI process. The review will include detailed feedback to ensure grantee is in compliance with AFFH.***

## **PART 2: COMPONENTS OF A REGIONAL ANALYSIS OF IMPEDIMENTS**

This guidance is intended to serve as a guide on several fronts. In one way, it provides grantees with a suggested format for how they should organize their discussion and analysis. It also provides a list of issues and questions that each grantee should consider in their analysis, including the six core components that should be addressed in the RAI. As mentioned above, grantees' responses may utilize the nationally uniform local and regional data provided by HUD, or they may supplement or replace this data with their own quantitative or qualitative data. Grantees are encouraged to consider all of the items listed below in their deliberative processes; purposeful preparation of the RAI will result in a valuable, long-lasting guiding document for the region.

***Please note: all components in italics are RAI elements that are not required for a FHEA. We encourage you to consider including them, even if you are completing a FHEA.***

### **Core Components of the RAI Products**

There are six core components of the RAI

1. Segregation and Integration
2. Racially and Ethnically Concentrated Areas of Poverty (RCAP/ECAP)
3. Access to Community Assets
4. Fair Housing Environment
5. Infrastructure Investments
6. Public Participation

**Components 1-5 address the physical expression of fair housing barriers. For these components, grantees should:**

- Examine data to identify problems – what does the data tell you about barriers, strengths, and solutions?
- Use the outline below in conjunction with other data and local knowledge to identify and analyze barriers to fair housing choice in the region for each of the 5 core sections. Fully identify the factors that are contributing to segregation, preventing integration or the preservation of integrated neighborhoods, producing racially or ethnically concentrated areas of poverty, preventing equal access to community assets, and inhibiting a fair housing environment.
- Work with community and equity stakeholders to prioritize the barriers by considering which factors contribute most significantly to perpetuating these barriers.
- Develop measurable outcomes and propose actions that will be taken to address the barriers. Prioritize the goals and actions based on what will lead to greatest improvement in fair housing choice.

**For the sixth core component (public participation), HUD expects:**

- A robust public participation and consultation process. *For an RAI, the finished product should include a description of the public engagement, participation and consultation process, meeting format and content, a summary of comments received, and a description of how the comments were addressed or why they were not. Please include:*
  - *State and local government agencies involved in fair housing enforcement, housing, and community revitalization.*
  - *Private fair housing groups*
  - *Equity-focused organizations*
  - *Public housing agencies*
  - *Affordable housing developers*

- *Faith-based groups*
- *Civil rights groups*
- *Immigrant-focused organizations*
- *Community/constituency groups, particularly groups representing populations that are typically underrepresented in the planning process, such as minority populations, persons living in concentrated areas, persons living in subsidized housing, limited-English speaking persons, and persons with disabilities*
- *Public housing residents*
- *Resident comments*
- *Realtors and lenders*

### **Considerations and Suggested Outline for RAI Product**

For each of the major topic areas above, we provide the following guidance for conducting an analysis.

**The following outline sets forth the major considerations that each grantee should take into account for an FHEA and/or for an RAI.** This guidance should be used along with HUD's [Fair Housing Planning Guide](#). For an RAI, HUD recommends using the frame and order provided in the outline below. These topics are necessary but may not be sufficient to cover all of the relevant fair housing issues in the region.

Any impediment that is found in an individual jurisdiction should be addressed in the RAI even if it does not impact other areas in the region.

- **Example 1:** A single town in the region has a history of racial animosity. Although it is not a regional issue, the impact of that history on fair housing choice in that town and its surrounds should be discussed in an RAI.
- **Example 2:** Three public housing agencies in the region have local residency preferences. The impact, if any, of those local residency preferences should be discussed even if other parts of the region do not have residency preferences.
- **Example 3:** Two small jurisdictions have specific zoning rules that pose a prohibitive barrier to affordable housing. These should be discussed even if other areas in the region do not have such laws.

As grantees prepare their RAIs, they may find that some of the factors listed below are not relevant to their region. Grantees are still responsible for demonstrating that all factors were considered and should note the factors that were deemed irrelevant and therefore are not discussed in detail. All relevant factors should be examined to reveal barriers to fair housing choice and include appropriate actions and solutions addressing these barriers.

- **Example 1:** There are no local residency preferences in this region, so that is not relevant to this section.

*Please note: all components in italics are RAI elements that are not required for a FHEA. We encourage you to consider including them, even if you are completing a FHEA.*

## **1. Segregation and Integration**

- a. Identify patterns/areas of segregation at the census tract/neighborhood level. In doing this, answer the following questions:
  - i. What are the patterns of racial and ethnic segregation in the region?
  - ii. Are particular jurisdictions far below their predicted racial/ethnic population based on their current economic profile?
- b. Use dissimilarity index and the HUD Office of Community Planning and Development-provided mapping tool ([CPD Maps](#)) to illustrate segregation. Throughout this exercise, answer the following questions:
  - i. Where does your community fall in comparison with other communities in the state?
  - ii. Where does your community fall in comparison with other communities of similar size across the nation?
- c. Examine local laws, public policies, regulations, ordinances that may restrict housing for protected classes.
- d. Analyze factors that create or perpetuate segregation.
- e. Identify current barriers to reducing segregation and methods to address them. Be sure to consider:
  - i. Housing siting decisions;
  - ii. Zoning and land use laws (direct and indirect);
    1. Especially consider zoning and land use laws restricting development of affordable housing, public housing, multifamily housing, *and housing for persons with disabilities.*
  - iii. Other laws, policies, or other official actions and decisions;
  - iv. Community opposition;
  - v. Challenges for different types of housing:
    1. Market rate;
    2. Tax credit;
    3. Public/assisted housing; and
    4. *Community-based, non-institutional housing and supervised residential settings for persons with disabilities.*
  - vi. Land and infrastructure availability, focusing on the following questions:
    1. Where is the land that can support development outside of racially and ethnically concentrated areas?
    2. Are there differences in investments in local community infrastructure in urban vs. suburban areas (e.g. sidewalks, street lights, paved streets, public water access, sewers, and similar issues)?
  - vii. *Lack of housing choices for larger families with children, elderly or disabled residents;*
  - viii. Lack of Section 8 Housing Choice Voucher (HCV) opportunities. When considering this, answer the following questions:
    1. Is there evidence that voucher holders who attempt to do so are unable to find housing in less poor, less concentrated neighborhoods, within the time allowed? Is there a shortage of landlords who will accept voucher holders?

2. *Is there a shortage of landlords with accessible housing or housing with multiple bedrooms that will accept vouchers?*
3. Is there evidence of discrimination based on source of income that is a barrier to Section 8 HCV holders?
4. Does the public housing agency impose residency restrictions or residency preferences that effectively restrict mobility?
- ix. Transportation/mobility. When considering this factor, answer the following questions:
  1. How do low income residents travel? Where do they work? Where are educational, health care, child care, and social services located?
  2. What are the most affordable and reliable forms of public transportation?
  3. Is the current system adequate for meeting the transit needs of residents?
  4. How much of their budget do residents of RCAP/ECAP communities or populations pay on housing and transportation?
  5. What are the most affordable and reliable forms of public transportation? Examine data on transit costs per household and bus schedules where available.
- x. School enrollment. When considering this factor, answer the following question:
  1. Where are high-performing elementary schools?
  2. What linkages should be made between new residents and school?
- xi. History of the community/particular neighborhoods;
- xii. Local residency preferences and their effect based on race, national origin, *disability, and families with children*;
- xiii. Does dilapidated housing or poor maintenance in neighborhoods pose code enforcement issues?
- xiv. Does the tax credit process sufficiently support housing choice near job centers, transit, and good schools?
- xv. What funding resources are available for housing development and infrastructure?
- xvi. Evidence of public and private acts of discrimination; and
- xvii. Evidence of racial or ethnic steering.

*Beyond requirements, to make an even stronger analysis, consider other barriers and issues relating to groups not directly covered by the Fair Housing Act such as the LGBT community, homeless persons, victims of domestic violence, etc.*

## 2. **Racially and Ethnically Concentrated Areas of Poverty (RCAP/ECAP)**

- a. Identify racially or ethnically concentrated areas of poverty.
  - i. Calculate the number of RCAP/ECAP census tracts as a percentage of the total number of census tracts.
  - ii. Calculate the population in RCAPs/ECAPs as a percentage of the total population.
  - iii. Make your calculations by race and for each ethnic group.
- b. Identify characteristics of RCAPs and ECAPs:
  - i. Measure community assets in the neighborhood and nearby, including:

1. Infrastructure strengths and deficiencies (e.g. sidewalks/street lights/paved streets/public water access/ sewers, and transit stops); and
  2. Public service and private sector services (e.g. banks, grocery stores that sell fresh produce, library, commercial shopping, recreation).
- c. Identify patterns of affordable housing in RCAPs/ECAPs.
- i. Analyze local location data by occupancy type (elderly, family, disabled) for the following:
    1. Existing public housing units;
    2. Assisted housing units; and
    3. LIHTC housing.
  - ii. Examine location of Section 8 residents in RCAPs/ECAPs (local data).
- d. Consider the distribution and location of the following other types of housing in RCAPs/ECAPs:
- i. Location of housing for homeless persons;
  - ii. *Location of housing for persons with disabilities; and*
  - iii. Location of older multi-family housing.
- e. What actions contributed to creation of these RCAPs/ECAPs? Consider which of the following questions are relevant to your region and indicate which ones are not:
- i. What factors helped create these areas?
  - ii. What trends are observed over time?
  - iii. What siting decisions have contributed to these areas?
  - iv. What geographic or other barriers limit de-concentration/expansion?
- f. Are there gaps in services? Consider which of the following questions are relevant to your region and indicate which ones are not:
- i. What are the opportunities for employment, especially entry level?
  - ii. Is there access to effective transportation?
  - iii. What bank/loan presence or absence?
  - iv. What is the existence and condition of local community infrastructure (e.g. sidewalks/street lights/paved streets/public water access/ sewers, and similar issues)?
  - v. Is there commercial/retail access?
  - vi. What social services are available?
  - vii. What crime-related services are available?
  - viii. What health care access is available?
  - ix. What is the neighborhood school quality?
  - x. What opportunities exist for recreation?
  - xi. Are there any nearby libraries?
- g. Considering reinvestment, what can be done to add community assets such as commercial/retail, improved police presence, better schools, street improvements and maintenance, public transportation, sustainability, green space in redevelopment?
- h. Consider the needs and possibilities to improve housing quality.
- i. What is the housing quality in the RCAP/ECAP?
  - ii. Are there any de-concentration opportunities (demolition and vacant land)?
  - iii. What are the opportunities for housing improvement (assisted and private)?
  - iv. Are there threats to health or safety?
  - v. Determine how many units of the following housing types could be moved or replaced:

1. Public housing multifamily; assisted housing; other multifamily public/assisted housing; public single family; private single family; and housing serving persons with disabilities.
- i. Consider the de-concentration or replacement of housing. For any redevelopment, rehabilitation, or other housing investment in an RCAP or ECAP, the following questions should be considered:
  - i. What degree of de-concentration is appropriate?
    1. De-concentration decisions should focus on reframing and supporting the area, not removing it completely; can income diversity be supported in the area?
  - ii. Who and how many persons may be displaced as part of redevelopment?
  - iii. How many can be reabsorbed into the neighborhood with replacement housing that is less concentrated?
  - iv. How many hard units are needed?
  - v. How many Section 8 HCVs are needed? Is there a sufficient number of participating Section 8 landlords with housing located inside and outside areas of concentration and are these units of various bedroom sizes and/or accessible?
  - vi. What are plans for counseling and assistance for relocated persons, including those who need accessible units? Where will they be housed?
- j. Consider the following questions regarding mobility:
  - i. What are the available opportunities for persons in RCAPs/ECAPs to relocate and what support/resources exist for doing so?
  - ii. Are additional support/resources needed to ensure that residents of RCAPs/ECAPs know of available opportunities?
- k. Protect historically or culturally significant areas, including the following consideration:
  - i. How is interest in protecting historically or culturally significant areas balanced with fair housing concerns?
- l. Identify actions that could stabilize remaining housing, including:
  - i. Repairing housing; renovating housing; reducing housing density; stabilizing existing homeownership; creating rehabilitation loans or tax incentives.
- m. Identify necessary local community infrastructure improvements (e.g. sidewalks/street lights/paved streets/public water access/ sewers, and similar issues).
  - i. By RCAP, identify missing elements of local community infrastructure.
  - ii. By RCAP, make a list of elements of local community infrastructure recommended.
  - iii. What elements will increase access to community assets?
  - iv. Is public transportation available? Does it connect with other community assets?
    - v. *What is the plan for improving and maintaining physical access for persons with disabilities to units and infrastructure?*
    - vi. What is the plan to increase access to infrastructure listed? and
- n. Describe the relationship of schools to the RCAP. Consider which of the following factors are relevant to your region and indicate which ones are not:
  - i. What is the population of school age children?
  - ii. What are the elementary school, middle school, high school, and vocational options?
  - iii. Describe the existing schools in terms of quality, free lunch programs, and

- special options.
- iv. Describe existing quality of safe walking, biking, and busing routes to schools.
- v. Consider the condition, capacity, and need for additional educational options/magnets.
- o. Optionally, for each RCAP, identify organizations where partnering relationships may contribute to a strengthened neighborhood, including:
  - i. Other federal agencies/regional transportation agency;
  - ii. Local businesses or Chamber of Commerce;
  - iii. Foundations;
  - iv. Lenders; and
  - v. Other professional organizations.
- p. What are the goals for each RCAP? Provide justification for the selection of these goals.
  - i. Housing de-concentration;
  - ii. Rehabilitation and support for remaining housing;
  - iii. Infrastructure improvements;
  - iv. Improved access to services;
  - v. Mobility and transportation connections; or
  - vi. Other investments.
- q. Prioritize RCAPs for attention.
  - i. Identify potential priority area/areas for attention and justify.
  - ii. If housing will be demolished or replaced, develop guidance related to mobility of persons to asset-rich areas, considering HUD guidance.
  - iii. Describe access between this area and asset-rich areas.
  - iv. Describe how residents will be involved in the process.
- r. Based on the analysis above, what are the barriers to addressing racially and/or ethnically concentrated areas of poverty?
  - i. Identify each barrier.
  - ii. Describe how the data was considered and how it was incorporated into recommendations.
  - iii. Describe how historic trends were considered in development of recommendations.
  - iv. List actions to be taken, including specific planned actions with timeframes, responsible entities, and expected outcomes.

### **3. Access to Community Assets**

- a. Identify asset-rich areas/neighborhoods, including:
  - i. High-performing elementary schools;
  - ii. Access to employment, especially entry level low and middle skill jobs (i.e. jobs that require high school education or less);
  - iii. Health care access;
  - iv. Commercial/retail access;
  - v. Access to effective transportation;
  - vi. Relatively low crime rate;
  - vii. Availability of local community infrastructure (e.g. sidewalks/street lights/paved streets/public water access/ sewers, and similar assets);
  - viii. Recreational areas; and
  - ix. Libraries.
- b. Identify missing community assets or assets requiring enhancements.

- c. For each asset-rich area, identify features that make it especially attractive for different types of affordable housing or investments.
- d. Identify asset-rich areas where affordable housing options are lacking.
  - i. Examine existing affordable housing options and location.
  - ii. Examine availability of rental units that will accept Section 8 HCV tenants.
  - iii. Examine availability of accessible housing in area.
  - iv. Examine availability of housing for homeless persons.
  - v. *Examine availability of housing for persons with disabilities.*
  - vi. *Examine availability of housing for families with children, needing larger units.*
  - vii. Consider other types of housing as well.
- e. What types of affordable housing are most suited to each asset-rich area?
  - i. Multifamily rental, 3 or more bedrooms;
  - ii. Multifamily rental, 2 or fewer bedrooms;
  - iii. Single family; and/or
  - iv. *Housing options for people with disabilities.*
- f. What additional assets may be needed in existing asset-rich areas to make them more suited for a particular type of housing identified as needed in the community?
- g. Are there barriers to affordable housing in asset-rich areas? List by area. Consider which of the following factors are relevant to your region:
  - i. Land or development cost barriers;
  - ii. Zoning/land use barriers;
  - iii. Code enforcement needed;
  - iv. Existence of local residency preferences;
  - v. Lack of landlords who accept HCV;
  - vi. Land/unit availability;
  - vii. Tax credit/funding availability to support development;
  - viii. Community opposition (current);
  - ix. Hate crimes history or history of other community opposition;
  - x. Source of income discrimination;
  - xi. Type of transportation needed to access jobs and other community assets;
  - xii. School enrollment issues;
  - xiii. Mobility of potential residents; and
  - xiv. Private discrimination, including steering/lending discrimination.
- h. Address the identified barriers.
  - i. For each barrier identified and described, what are the anticipated actions and expected outcomes?
  - ii. Set goals, responsible entities, and time frames for each action.
- i. Prioritize asset-rich areas for mobility and for new units of affordable housing.
  - i. For each asset-rich area, list and prioritize goals, including:
    - 1. Housing development/rehabilitation/conversion/acquisition;
    - 2. Type(s) of housing;
    - 3. Additional community assets;
    - 4. Access; and
    - 5. Barriers.
  - ii. What are the justifications for priorities?
- j. Analyze the effect of housing on schools.
  - i. How will connections be built to schools in prioritized area(s)?
  - ii. Consider school capacity and opportunities. How will schools be ready for

new students?

- k. What are the asset-rich areas for initial focus?
- l. Does what you plan connect to meeting real housing needs?
- m. Where will new residents come from? How will they be reached and advised about the opportunities?
  - i. Will residents come from RCAPS or de-concentration plans?
  - ii. Will there be a waiting list? If so, how will it be structured?
- n. Consider the creation of linkages to asset-rich areas, including:
  - i. Transportation connections;
  - ii. Relocation plans; and
  - iii. Mobility counseling.
- o. Consider which of the following special issues and factors are relevant to your region:
  - i. Affirmative marketing;
  - ii. Transportation needs of different populations;
  - iii. Access to services;
  - iv. Mobility counseling for specific groups;
  - v. Population with limited English proficiency needing access/outreach;
  - vi. Potential need for community supports and networks; and/or
  - vii. Sustained connection to new communities.
- p. Affirmative marketing is marketing to the people and communities who are “least likely to apply” for available housing opportunities. Consider the following questions:
  - i. Who are they?
  - ii. Who are least likely?
  - iii. How do you reach them?
  - iv. When do you reach them?
- q. Consider transportation needs, including:
  - i. How do people get around? Methods may vary between various jurisdictions and neighborhoods.
  - ii. Access to schools, jobs, and services;
  - iii. Examine commuting directions, including:
    - 1. Rush hour; and
    - 2. “Reverse commutes” and other considerations.
- r. *Evaluate residential opportunities for persons with disabilities, focusing on the most integrated setting. Focus on the following populations:*
  - i. *Non-institutionalized residential settings for persons with mobility and sensory limitations;*
  - ii. *Non-institutionalized residential settings for persons with cognitive, developmental, or emotional disabilities;*
  - iii. *Institutionalized residents;*
  - iv. *Homeless persons with disabilities or persons with disabilities at risk of homelessness; and*
  - v. *Evaluate housing options in smaller more integrated settings.*
- s. *Evaluate barriers specific to persons with disabilities and plan actions to address the following:*
  - i. *Availability of information on accessible, affordable housing for persons with disabilities;*
  - ii. *Availability of accessible, affordable housing in non-institutional residential settings;*

- iii. *Availability of community-based, non-institutional housing and supervised residential settings for persons with disabilities;*
  - iv. *Programs to transition persons with disabilities from institutions to non-institutional settings;*
  - v. *Transitional housing and shelters;*
  - vi. *Integrated housing approaches; and*
  - vii. *Zoning and privacy barriers to community-based housing for persons with disabilities.*
- t. Identify disparities in access to asset-rich areas. Consider which of the following factors are relevant to your region:
  - i. Segregation in HUD funded housing/vouchers;
  - ii. Policies and practices that limit access to housing;
  - iii. Local residency preferences;
  - iv. *Physical access to persons with disabilities;*
  - v. Limited English proficiency;
  - vi. Access to lending opportunities; and
  - vii. Access to transportation, education, employment, services, and recreational opportunities.
- u. Evaluate public and assisted housing site segregation.
  - i. Identify racial/ethnic concentration by project /occupancy type (elderly, family, disabled).
  - ii. Identify project segregation.
  - iii. Identify disparities in maintenance and access to community assets.
  - iv. Identify actions to overcome site segregation.
- v. Evaluate under-usage of vouchers in asset-rich areas.
  - i. Identify, by bedroom size, the number of Section 8 accessible and non-accessible units available:
    - 1. In asset-rich neighborhoods;
    - 2. In HUD-supported housing;
    - 3. In tax credit housing; and
    - 4. Through private landlords.
- w. Evaluate public housing and voucher segregation.
  - i. Identify racial and ethnic composition of waiting lists for public housing.
  - ii. Is there a local residency preference for Section 8 and/or public housing?
  - iii. Identify racial and ethnic composition of waiting lists for Section 8 vouchers.
  - iv. If there is a disproportionate gap (> 5%), identify actions to reduce the gap.
- x. *Evaluate access for persons with disabilities.*
  - i. *Identify existing or needed reasonable accommodation policies adopted by grantees.*
  - ii. *Identify policies for waiting lists for accessible/"handicapped" units.*
  - iii. *Identify policies for treatment of persons with disabilities (who need accessible housing) on the regular waiting list.*
  - iv. *Identify the number and percentage of accessible/handicapped units in public housing, operated by HCV landlords, and in multifamily buildings.*
  - v. *Examine building code and its enforcement for compliance with federal accessibility requirements.*
  - vi. *Establish goals to increase number of units to HUD standard/established need and provide justification for these goals.*
- y. *Consider access for families with children by identify the following housing needs of*

*families with children:*

- i. Affordable units with more than two bedrooms;*
  - ii. Access to schools, ESL classes;*
  - iii. Access to public transportation; and*
  - iv. Access to nearby entry level jobs.*
- z. Access for persons with Limited English Proficiency (LEP)
- i. Are LEP individuals significantly represented (more than 1000, greater than 5% of eligible population)?
  - ii. What are the barriers to access to government services and housing for persons with LEP?
  - iii. For each participant and each sub-recipient, describe existing policies and outreach to reach relevant LEP populations.
    1. Describe ability to provide interpreters.
    2. Describe ability to provide written translations.
- aa. Consider the following factors of lending discrimination and determine which are relevant in your region:
- i. Using Home Mortgage Disclosure Act (HMDA) data analysis, identify any geographic areas not well-served by lenders/banks.
  - ii. Using HMDA data analysis, identify any racial and ethnic groups not well-served by lenders/banks.
  - iii. If disparities in either or both areas, establish goals to address disparities.
- bb. *Consider the following factors related to victims of domestic violence and determine which are relevant in your region:*
- i. Identify policies and practices that prevent discrimination against victims of domestic violence in housing provided by grantees*
  - ii. Identify issues of potential discrimination against these victims.*
  - iii. Develop one or more goals to address discrimination and provide justification for selection of these goals.*

#### **4. Fair Housing Environment**

- a. Are there open findings of discrimination by HUD, an equivalent agency, a court, or has the Department of Justice filed a lawsuit against a jurisdiction, PHA, a recipient, or a sub-recipient for systemic discrimination?
  - i. Identify findings, issue, status, and plans to resolve.
- b. Evidence of systemic discrimination. Consider complaint analysis, audits, and independent studies.
- c. What public sector fair housing enforcement agencies serve local jurisdictions, the region, or other segments of the region?
  - i. Is each jurisdiction financially supporting fair housing programs, including testing, enforcement, education and outreach and mobility counseling?
  - ii. Do states have a law that is substantially equivalent to the federal Fair Housing Act?
  - iii. If not, are there plans to establish a substantially equivalent law in the state or region?
  - iv. What are the fair housing/fair lending education activities conducted by the organization in the past three years?
  - v. What fair housing/fair lending issues does the organization identify and what strategies does it recommend?
  - vi. How are they addressed in the assessment?

- d. Examine private fair housing groups for:
  - i. The existence of private fair housing groups in the region, including but not limited to Fair Housing Initiatives Program (FHIP) organizations that partner with HUD to help people identify government agencies that handle complaints of housing discrimination.
  - ii. Funding for the agency provided by the jurisdiction.
    - 1. The recommended threshold is that total support for government and private enforcement in the region is equivalent to at least 1% of money received from HUD by the region.
    - 2. What was accomplished with this funding?
- e. Consider fair housing training.
  - i. Describe fair housing education and outreach program offered by the region for employees of the jurisdictions, PHAs, and the public, including:
    - 1. Dates given;
    - 2. Subject of the training;
    - 3. Audience; and
    - 4. Number of attendees.
  - ii. Consider the funding for training.
    - 1. The recommended threshold is that the total funding by the jurisdiction is at least \$10,000 for private and public agency combined.
  - iii. Discuss fair housing training programs offered if no FHIP/FHAP exist in the region.
- f. Describe other collaborative efforts to advance fair housing with partners during past year. Consider the efforts with the following groups that are relevant to your region:
  - i. Realtors;
  - ii. Lenders;
  - iii. Developers;
  - iv. Advocacy groups;
  - v. Landlords;
  - vi. Tenants groups; and
  - vii. Legal aid/legal assistance organizations.
- g. Optionally, consider special fair housing and fair lending initiatives, including:
  - i. Special fair housing education initiatives;
  - ii. LGBT initiatives; and
  - iii. Fair housing/fair lending issues identified (e.g. foreclosure issues, predatory lending).
- h. What are the barriers to effective fair housing enforcement and education?
  - i. Identify each barrier.
  - ii. Describe how the data was considered and how it was incorporated into recommendations.
  - iii. List the actions to be taken.
- i. Consider the existence of community opposition, hate crime history, civil rights complaints or challenges to government actions in the region.
- j. Consider the policies of large jurisdictions and regions to address civil rights violations by sub-recipients, including:
  - i. Identification of fair housing violations demonstrated by reasonable cause findings by federal, state or local civil rights agencies, findings of civil rights violations by courts, pending lawsuits by the US Department of Justice for civil rights violations; and

- ii. Actions that will be taken by jurisdictions to address noncompliance and assure correction of violations.

## **5. Physical Investment / Infrastructure**

### **a. Transportation**

- i. Evaluate public transportation system service areas. Are asset-rich areas served well by transit? Consider data on transportation costs, commute times for public transportation riders, walking distance between transit stops, and job centers/schools.
- ii. Is better coordination needed across transit agencies and jurisdictions to better serve workers that live in marginalized communities?
- iii. In rural areas and small towns, what options exist for households without cars to access jobs and basic services?
- iv. Are new roads, freeways, light rail lines, or high-speed rail lines planned? How will they impact disadvantaged communities? Is any displacement anticipated? If so, what is the plan for remediation?
- v. What are top priority transportation projects for the region (according to Transportation Improvement Plans and Regional Transportation Plans)? How will they reduce segregation and improve access to community assets and asset-rich areas?
- vi. List priorities for ensuring that new transportation investments improve access for disadvantaged communities and reduce burdens on marginalized communities.

### **b. Economic Development and Revitalization Projects**

- i. Where are large investments in economic development, community development, or revitalization projects? How will they reduce segregation and improve access to community assets and asset-rich areas?
- ii. Are there job opportunities for workers from disadvantaged communities?
- iii. How can existing funds for revitalization support investments in disadvantaged communities?
- iv. How do economic development, workforce development, and community development projects support small and minority workforce development?
- v. Identify goals and priorities to ensure that economic development, workforce development, and revitalization projects address unemployment and economic challenges in marginalized communities. Provide justification for selection of these goals.

## **PART 3: RAI DEVELOPMENT PROCESS**

### **The Three Ds—Process to Develop the Product**

As outlined by OER in previous communications and webinars, the FHEA has certain procedural and product requirements that dovetail with the attached outline. Innovation, learning, and action are three hallmarks of the FHEA. In addition to fully engaging in the Three Ds—data, deliberation, and decision-making—for the purpose of their FHEA or RAI, it is important for grantees to institutionalize this process for the long-term.

*Please note: all components in italics are RAI elements that are not required for a FHEA. We encourage you to consider including them, even if you are completing a FHEA.*

#### **1. Data Analysis**

Grantees should use data analysis as the starting point of their equity analyses. HUD intends to provide available, consistent data for assessing barriers to fair housing choice. Grantees may consult HUD's [Fair Housing Planning Guide](#) for examples of locally-developed information to supplement HUD-provided statistics.

- a. Analyze the HUD-provided data and any supplemental local data:
  - i. Segregation/Integration;
  - ii. Racially or Ethnically Concentrated Areas of Poverty (RCAP/ECAP);
  - iii. Access to Community Assets;
  - iv. Public investments/Infrastructure ;
  - v. Fair Housing Issues, Services, and Activities; and
  - vi. Supplemental Locally-Provided Data.
- b. Use HUD-provided dot density and geospatial maps to further the analysis.
- c. Work with local institutions to conduct data analysis, when possible.
- d. Consult with capacity building providers, local universities, data intermediaries or local governments to identify additional sources of local data.
- e. Use the FHEA or RAI to launch regional conversations to further develop an understanding of concerns around equity and access to community assets.
- f. Summarize initial findings from the analysis.
- g. Make data available at various points in the process, not just at the end.
- h. Present data in formats accessible to the general public with specific focus on inclusion of traditionally marginalized groups.
- i. Grantees are encouraged to consider both quantitative and qualitative information to supplement the nationally available data provided by HUD, particularly in regards to the Core Component 3: Access to Community Assets. The potential sources of information provided by HUD do not represent an exhaustive list. In some cases, grantees may want to replace the data and they are allowed to do so.
- j. *For RAIs, data analysis should include local data, not just regional level data.*
- k. *For RAIs, the analysis should take into account any barriers to fair housing choice that do not rise to a regional level, but have fair housing implications (e.g. a single town with a history of racial harassment).*
- l. *For RAIs, data analysis should include information on families with children and persons with disabilities*

## 2. Deliberation

- a. Consistent with grant certification requirements, collaborate with consortium members to specify where goals and actions specifically fit into regional plan or implementation activities.
- b. In accordance with existing public participation requirements and best practices, invite stakeholders and jurisdictions together to align proposed actions with existing funding sources. Where funding does not currently exist, or is inadequate, identify potential sources of additional funding and define pathways to obtain it.
- c. Work with community organizations, equity groups, and civil rights organizations to inform, discuss, and prioritize barriers to fair housing choice in deliberation process.
- d. Work with skilled facilitators and groups that have experience working with marginalized communities in a collaborative and culturally competent setting.
- e. *Ensure your public participation process includes consultation with a variety of community groups and organizations, including local community groups, providers of public and assisted housing, social services organizations, private fair housing organizations, and local governments. For jurisdictions, be sure to include adjacent local government agencies and business leaders. For states, include non-entitlement jurisdictions and others.*
- f. *Ensure diverse participation, particularly among typically underrepresented groups (low- and moderate-income persons, persons living in areas affected by CDBG expenditures, minorities, limited-English speaking persons, and persons with disabilities) through appropriate outreach methods*
- g. Strive to achieve a broad, aggregate participant profile that aligns with the region's profile, with a particular focus on marginalized communities
- h. Engage the consortium and jurisdictions in a discussion based on the data analysis to update findings and prioritize with specific focus on inclusion of traditionally marginalized groups
- i. Discuss the implications of data with respect to historical trends that have contributed to persistent disparities and the marginalization of certain groups.
- j. Work with community members and organizations that represent civil rights groups and marginalized communities to develop priorities for FHEA/RAI. Specify how deliberations with traditionally marginalized communities, fair housing and civil rights groups were accommodated in this process, how they responded in deliberations, and how their comments were incorporated into final product (and if they weren't, why not).
- k. *Share the findings in an interactive public forum at various points in the process, not just at formal public hearings.*
- l. Revise findings based on consortium and community feedback.
- m. Revise findings based on stakeholder feedback and enhance with qualitative observations and relevant contextual information.
- n. *Record the above activities and include a summary in the submission to HUD.*

## 3. Decision-making

- a. Develop a list of equity goals and specific, corresponding actions to serve as the bridge to your regional plan. Specify how goals and actions fit into regional plan and implementation activities (e.g. goal: increase affordable housing construction in asset-rich communities; action: growth strategy, zoning plan, or housing needs assessment for those jurisdictions). Provide justification for selection of these goals.
- b. *For the RAI, this section should include a 'Fair Housing Strategies and Action Plan' and should align proposed actions with existing funding sources where applicable. Where*

*funding does not currently exist, or is inadequate, identify potential sources of additional funding and pathways to obtain it.*

- c. Review list of goals and actions with stakeholders, working group, and community members and finalize with stakeholders, including representatives from civil rights groups, fair housing organizations, and other groups that represent traditionally marginalized communities.
- d. Using the content from the data analysis and deliberation, develop a draft FHEA.
- e. Engage stakeholders in a review process for feedback. Draft RAI or FHEA should be circulated for public comment and feedback should be incorporated or otherwise addressed before consortium and other decision-making bodies consider RAI or FHEA for adoption.
- f. *For the RAI, grantees have the option to submit a detailed outline and a draft RAI for feedback from an identified FHEO representative.*
- g. Finalize FHEA or RAI and submit to OER Grant Technical Representative (*and FHEO if completing an RAI*).

Things to consider for decision-making:

1. How does the list of impediments impact CDBG and HOME allocations? What actions will be taken to ensure that these monies increase access to community assets?
2. How will the list of impediments inform Consolidated Plan development?
3. How will the list of impediments impact local zoning policies and land use regulations?
4. How will the list of impediments impact allocation of transportation funding, either at the regional or local level?
5. How will the list of impediments impact allocation of economic development funding?
6. How will the list of impediments impact fair housing programs?
7. Where is additional funding needed to address barriers to fair housing?
8. What steps could be taken to increase funding to address impediments?