U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410

MEMORANDUM FOR: ALL CPD FIELD OFFICE DIRECTORS
ALL FHEO HUB DIRECTORS
ALL FHEO PROGRAM CENTER DIRECTORS
ALL FHEO LEAD EQUAL OPPORTUNITY SPECIALISTS

FROM: Nelson R. Bregón, General Deputy Assistant Secretary for Community Planning and Development, D

Carolyn Peoples, Assistant Secretary for Fair Housing and Equal Opportunity, E

SUBJECT: Analysis of Impediments to Fair Housing Choice Reissuance

This memorandum reissues guidance originally issued on February 14, 2000, regarding the requirement that state and local entitlement jurisdictions receiving funding through the Consolidated Plan process should update, where appropriate, its Analysis of Impediments to Fair Housing Choice (AI). This guidance should be communicated to all recipients. The purpose of this guidance is to remind the jurisdictions, especially at the beginning of a new Consolidated Plan five-year planning cycle, that it is appropriate to update their AIs to reflect the current fair housing situation in their communities.

The Consolidated Plan regulations (24 CFR 91) require each state and local government to submit a certification that it is affirmatively furthering fair housing. This means that it will (1) conduct an analysis of impediments to fair housing choice; (2) take appropriate actions to overcome the effects of impediments identified through that analysis; and (3) maintain records reflecting the analysis and actions.

In response to requests from state and local governments for assistance, the Department developed a Fair Housing Planning Guide and training program to assist in fair housing planning and in fulfilling the fair housing requirements of the Consolidated Plan and Community Development Block Grant regulations. The Guide provides information on how to conduct an AI,

undertake activities to overcome identified impediments and maintain documentary records. The Guide is located on the HUD website at http://www.hud.gov/offices/fheo/images/fhpg.pdf. State and local governments should use the Guide to conduct or update their AIs.

The Guide defines the AI as a comprehensive review of a state's or entitlement jurisdiction's laws, regulations and administrative policies, procedures and practices. The AI involves an assessment of how these laws, regulations, policies and procedures affect the location, availability, and accessibility of housing, and how conditions, both private and public, affect fair housing choice.

Once the jurisdiction completes the AI, it must report on its implementation by summarizing the impediments identified in the analysis and describing the actions taken to overcome the effects of the impediments identified through the analysis in its Consolidated Annual Performance and Evaluation Report (CAPER). Although AIs are not submitted or approved by HUD, each jurisdiction should maintain its AI and update the AI annually where necessary. Jurisdictions may also include actions the jurisdiction plans to take to overcome the effects of impediments to fair housing choice during the coming year in the Annual Plan that is submitted as part of the Consolidated Plan submission.

HUD can require the submission of an AI in the event of a complaint or as part of routine monitoring. If, after reviewing all documents and data, HUD concludes that (1) the jurisdiction does not have an AI; (2) an AI was substantially incomplete; (3) no actions were taken to address identified impediments; (4) the actions taken to address identified impediments were plainly inappropriate; or (5) the jurisdiction has no records, the Department would notify the jurisdiction that it believes the certification to be inaccurate, or, in the case of certifications applicable to the CDBG program, the certification is not satisfactory to the Secretary. In connection with this review, HUD will consider whether a recipient has made appropriate revisions to update the AI.

HUD will work with the jurisdiction to determine actions necessary to address issues raised concerning compliance with the certification. These actions may take the form of: (1) technical assistance to complete a certification; (2) a special assurance that describes actions to overcome the effects of identified impediments and which includes a timetable for accomplishing these actions.

If you have any questions regarding this guidance, please contact Margy Cocodrilli at 202-708-1577, extension 4507 (for CPD), or Pamela Walsh at 202-708-2288, extension 7017 (for FHEO).