



PRO HOUSING
Pathways to Removing Obstacles



Civil Rights in PRO Housing NOFO

PRO Housing Civil Rights Walk Through

1. Civil Rights & Equity Goals & Priorities in PRO Housing
2. Civil Rights & Equity in Rating Factors
3. Civil Rights & Equity in Public Participation Requirements
4. Other Civil Rights & Equity in the PRO Housing



Civil Rights & Equity Goals & Priorities in PRO Housing



PRO Housing Priorities

HUD will prioritize applicants that (among other things):

Explain how the funds would be used to identify and remove barriers to affordable housing in a manner that affirmatively furthers fair housing by expanding access to housing opportunities in well-resourced areas for protected class groups. (If applicable)



PRO Housing Priorities

HUD will also prioritize applicants that demonstrate a commitment and ability to identify and remove barriers to

- 1) Expanding affordable housing in a manner that would promote desegregation;
- 2) Expanding affordable housing in well-resourced areas of opportunity for protected class groups that have systematically been denied equitable access to such areas; or
- 3) Deconcentrating affordable housing and increasing housing choice.



Goals in PRO Housing

- 1 of the 6 goals for this competition is to:

Affirmatively further fair housing by addressing and removing barriers that perpetuate segregation, barriers that inhibit access to well-resourced areas of opportunity for protected class groups and vulnerable populations, and barriers that concentrate affordable housing in under-resourced areas.



Barriers

Need Section of the NOFO provides the following list gives some examples of barriers:

- Permitting procedures and approval timing and predictability
- Fees and taxes (excluding impact and nexus fees for affordable housing)
- Zoning and land use controls
- Infrastructure constraints
- Prohibitive building codes
- Availability of financing and subsidies for affordable housing
- Capacity to conduct meaningful community engagement, procedural delays associated with soliciting engagement or community review, and/or opposition to new and or affordable housing
- Capacity of local affordable housing developers and managers
- Local laws that penalize individuals for reporting or seeking protection from violence
- Other relevant barriers unique to your community





Federal Resources on Barriers

- [Barriers to Affordable Housing](#) (CPD)
 - [Regulatory Barriers Clearinghouse](#)
 - [Pro-Housing Land Use and Zoning Reforms](#)
 - [Zoning Reform at the State Level](#)
 - [Increasing the Supply of New Affordable Housing: A Primer](#) (HUD Exchange)
 - [Land Use Flexibilities](#)
 - [Housing Development Toolkit](#) (National Archives)
- } (PD&R)





Outside Resources on Barriers

- [Learning from Land Use Reforms: Housing Outcomes and Regulatory Change](#) (NYU Furman Center)
- [Overcoming Barriers to Affordable Housing Research](#) (Lincoln Institute of Land Policy)
- [Local Housing Solutions/Housing Solutions Lab](#)



Civil Rights & Equity in PRO Housing Rating Factors



Civil Rights & Equity Rating Factors:

Rating Factor b:
Soundness of
Approach

Rating Factor c:
Capacity

Rating Factor e:
Long-Term Effect



Rating
Factor b.
Soundness
of Approach

iv. How does your proposal align with requirements to affirmatively further fair housing? (5 points)

Please respond to each of the following



Soundness of Approach: AFFH

- ❑ Describe your plans to remove barriers to the development of affordable housing in well-resourced areas of opportunity.
 - ↳ How will your proposal increase access for underserved groups to these areas?
 - ↳ What is the racial composition of the persons or households who are expected to benefit from your proposed grant activities?
- ❑ How will you ensure that your proposal will not cause affordable housing to be further concentrated in low-opportunity areas or in areas that already have ample affordable housing?
 - ↳ How will your proposal increase housing choice by expanding the neighborhoods in which residents who need affordable housing can live?





Resources Areas of Opportunity

- [Opportunity Atlas](#)
 - [Social Capital Atlas](#)
- } (Opportunity Insights)
- [Opportunity Data Portal](#) (Open Communities Alliance)
 - [Opportunity Spectrum](#) (Freddie Mac)
 - [Home Prices and High Opportunity Areas](#) (Redfin)



Resources on Concentration of Poverty

- [Confronting Concentrated Poverty](#) (PD&R)



Soundness of Approach: AFFH

- Describe your plans to remove barriers impeding the development of affordable housing that would promote desegregation.
 - ↳ What policies or practices perpetuate segregation and how will your proposal address them?





Resources on Segregation in your area

- [AFFH Tool](#) (HUD.gov)
- [Housing Needs Assessment Tool](#) (Local Housing Solutions)
- [Segregation Map](#) (Berkeley Othering and Belonging Institute)
- [School Segregation in Cities Across America](#) (The Century Foundation)
- [Advancing Racial Equity in Our Communities: Fair Housing and Land Use](#) (Urban Institute)



Soundness of Approach

- ❑ Have you considered the risk of displacement associated with your proposal?
 - ↳ How will you ensure that your planned activities do not lead to the displacement of vulnerable residents in communities of color?
 - ↳ Describe any anti-displacement measures included in your proposal (e.g., replacement of affordable units for new construction, or right of first refusal for tenants)?





Resources on Displacement

- [Displacement of Lower-Income Families in Urban Areas Report \(PD&R\)](#)
- [Unintended Impacts of Redevelopment and Revitalization Efforts in Five Environmental Justice Communities](#) (HUD Exchange)



Soundness of Approach: AFFH

- ❑ How does your approach address the unique housing needs of members of protected class groups, including persons with disabilities, families with children, and underserved communities of color?

- ❑ How will your proposal address the housing needs of people with disabilities and increase their access to accessible and affordable housing?
 - ↳ How will it support independent living with access to supportive services and transportation in the community?
 - ↳ Please also describe your plan to ensure compliance with the Americans with Disabilities Act (ADA) and accessibility requirements under the Fair Housing Act.



Resources on Accessibility

- [Accessibility First Information](#) (FHEO)
- [The Americans with Disabilities Act](#) (ADA.gov)
- [AFFH Tool Disability Map](#) (HUD.gov)
- [Transportation Access | Boosting Upward Mobility](#) (Urban Institute)



Soundness of Approach: AFFH

- Describe the implementation and/or enforcement plan for your proposal.
- Describe how you will approach resistance (e.g. litigation, environmental review, design standards) to the elimination of your targeted barrier(s).
- How will you track your progress and evaluate the effectiveness of your efforts to advance racial equity in your grant activities?
- Describe how you will evaluate the effect of your proposal on promoting desegregation, expanding equitable access to well-resourced areas of opportunity, and furthering the de-concentration of affordable housing.





Resources on Evaluating Effects

- [Urban Institute](#)
- [Brookings Metro](#)
- [Housing Solutions Lab](#)
- [Harvard Joint Center for Housing Studies](#)
- [NYU Furman Center](#)
- [Terner Center for Housing Innovation](#)
- [Housing Initiative at Penn](#)
- [UCLA Lewis Center for Regional Policy Studies](#)



Soundness of Approach: AFFH

- ❑ Describe any equity-related educational resources, tools, or public input that have informed your proposal.
- ❑ Do you plan to engage and support minority-, women-, and veteran-owned businesses during your proposed housing production process? Do you have a diversity and equity plan in place or plan to create one? Other equity considerations informed by your local circumstances.
- ❑ If the applicant proposes to use PRO Housing funds to fund housing units, the applicant must discuss how those benefits will be affirmatively marketed broadly throughout the local area and nearby areas to any demographic groups that would be unlikely or least likely to apply absent such efforts.





Resources on Affirmative Marketing

- [HUD Affirmative Fair Housing Marketing Plan](#) (HUD.gov)
- [Policy Brief on Affirmative Marketing](#) (Poverty & Race Research Action Council)



Rating Factor: c. Capacity

i. What capacity do you and your Partner(s) have? What is your staffing plan? (10 points)

Describe your capacity for managing a Federal grant of this size and scope. In evaluating this subfactor, HUD will consider the degree to which applicants demonstrate clear capacity, or a plan to develop capacity, in managing Federal funds; project management on the scale of the idea or proposal; and leadership capacity to coordinate among proposed partners. Rather than measuring general capacity, HUD will measure your specific capacity to carry out your proposal, and your responses should reflect this.



Capacity

A complete response should address the following (along with the 6 other bullets):

- Do you or any partner(s) have experience working with civil rights and fair housing issues including, for example, working with data to analyze racial or economic disparities?
- Do you or your partner(s) have experience designing or operating programs that have provided tangible reductions in racial disparities?



Rating Factor e. Long-Term Effect

i. What permanent, long-term effects will your proposal have? What outcomes do you expect? (10 points)

HUD seeks to ensure that funded activities enable the production and preservation of affordable housing units long after the grant's period of performance.

Describe how your approach seeks to permanently remove key barriers to producing and preserving affordable housing and the measurable outcomes you expect to achieve. Be sure to address how the removal of barriers will result in more resilient housing and sustained production.



Long-Term Effect

A complete, compelling response should include the following (along with the 6 other bullets):

- ❑ Describe the long-term effect of your proposal on removing barriers to affordable housing production that have perpetuated segregation, inhibited access to well-resourced neighborhoods of opportunity for protected class groups and vulnerable populations and expanded access to housing opportunities for these populations.



Public Participation Requirements



Public Participation Hearing

- The streamlined requirements mandate at least one public hearing for the application and require providing a reasonable notice (at least 15 days) and opportunity for public comment and ongoing public access to information about the use of grant funds.

For more information, please visit Section VI.E.5.a.iii of the NOFO



Public Participation Hearing:

- Applicants are responsible for ensuring that the public has equal access to information. This includes persons with Limited English Proficiency (LEP).



Public Participation Hearing:

- In-person meetings must be held in facilities that are physically accessible to persons with disabilities.
- Where physical accessibility is not achievable, Applicants and partners must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate
- In addition, all notices of and communications during all training sessions and public meetings shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities.



Publication of Fair Housing PRO Application and Action Plan

- *Before the Applicant submits the Application submissions for this NOFO, or a substantial amendment to the PRO Housing Action Plan, the Applicant must publish the PRO Housing application or Action Plan amendment in its entirety for public comment.*
- Applicants are responsible for ensuring that the public has equal access to information about the programs, including persons with disabilities and limited English proficiency (LEP).
- Each Applicant must ensure that program information is available in the appropriate languages for the geographic area served by the jurisdiction and in accessible formats for persons with disabilities.





Resources on Public Participation

- [Engaging the Disability Community in Fair Housing Planning - AFFH for Individuals with Disabilities](#) (HUD Exchange)
- [Affirmatively Furthering Fair Housing Rule Guidebook, 2015, Chapter 3.4 Community Planning Participation, Consultation and Coordination.](#)
- [Limited English Proficiency](#) (HUD.gov)
- [Housing Politics Lab](#) (Boston University)
- [Community Engagement Brief](#) (Local Housing Solutions)



Other Civil Rights and Equity Requirements in PRO Housing NOFO



Resolution of Civil Rights Matters

Outstanding civil rights matters must be resolved before the application submission deadline. Applicants with unresolved civil rights matters at the application deadline are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

Section D1- Provides Information on Threshold Eligibility Requirements for Resolution of Civil Rights Matters



Advancing Racial Equity & Affirmative Marketing

- Under III. Eligibility Information, F. Program Specific Requirements. **Advancing Racial Equity**

↪ Applicants should provide this narrative in the Soundness of Approach factor, section V.A.1.b.iv. AFFH

- Under III. Eligibility Information, F. Program Specific Requirements. **Affirmative Marketing**

↪ Applicants who propose to use PRO Housing grant resources to fund activities directly producing or preserving housing units should provide this narrative in the Soundness of Approach factor, section V.A.1.b.iv. AFFH



Affirmatively Furthering Fair Housing

- Under IV. Application and Submission Information, G. Other Submission Requirements. 1. Standard Application Assurances. **AFFH**

↪ An applicant will respond to this requirement (Affirmatively Furthering Fair Housing) under the Soundness of Approach Rating Factor, section V. A.1.b.iv.

If the applicant is a CDBG, HOME, ESG, and/or HOPWA grantee, it may note the date of its most recent certification and a summary of the actions reported in its most recent CAPER; however, applicants still need to describe how their proposed NOFO activities are aligned with AFFH requirements in response to Rating Factor, section V. A.1.b.iv (Soundness of Approach).



Other Civil Rights & Equity Requirements

- Under V. Application Review Information. B. Review and Selection Process, 3 **Experience Promoting Racial Equity**

➔ Applicants should describe their experience promoting racial equity in the Capacity Factor, section V. A.1.c.i.



Questions?

