

Date: September 07, 2023
Title: 090723-848836-HUD-PRO

Speaker 0 00:00:00 <silence> Good afternoon everyone, and welcome to the Pathways to Removing Obstacles to Housing or PRO Housing Notice of Funding Opportunity Webinar number six. Today we'll be covering so rights and fair housing and the PRO Housing Competition. My name is Landon Laven Jones and I'm a community planning and development specialist here with HUD and I'll be moderating today's webinar. Next slide, please. All participants will be muted, so we ask that you submit your questions using the chat feature. Make sure to send your questions to all panelists so that our presenters may be able to see it and respond. Today's webinar is a hybrid presentation, so it will be both live and with recorded materials. For those who may be hard of hearing or just need the additional assistance, we do have a closed captioning option at the left bottom side of the software.

Speaker 0 00:00:48 We'll first hear a recording from HUD's Office of Fair Housing and Equal Opportunity, and then we will transition to a Q&A with staff from HUD's Office of Fair Housing and Equal Opportunity, as well as our director of Office of Block Grant Assistance, Jessie Hanford Kome. This is the sixth and a series of weekly webinars covering HUD PRO Housing Notice of Funding Opportunity. These webinars are intended for potential PRO Housing applicants and provides participants with an overview of PRO Housing and the application requirements. Webinar recordings are posted on the PRO Housing webpage. If you visit the webpage today, the recording transcript and slides from the first two webinars are now available. The materials for webinars three, four, and five are currently under processing by HUD's web team, and will be posted as soon as possible. Next slide please.

Speaker 0 00:01:40 Next on the agenda, we'll hear from Renae Campbell and Charles McNally from HUD's Office of Fair Housing and Equal Opportunity. Renae Campbell is an analyst in the Office of Program Standards and Compliance Division in the Office of Fair Housing and Equal Opportunity at HUD. Prior to her position, Renae served as the special assistant to the Deputy General Assistant Secretary for HUD for FHEO and the special assistant to the Deputy Assistant Secretary for Enforcement and Programs. Throughout her time at HUD, Renae has worked on sexual harassment and housing lending, discrimination, disaster response, disparate impact, fair housing studies, grants, and more. Renae has worked as a teacher for the Montgomery County Public Schools and as an advocate for the homeless, Renae received her JD from the NYU School of Law and her bachelor's degree from Towson University in Maryland. Charles McNally is a program analyst with HUD's Office of Fair Housing Equal Opportunity as well.

Speaker 0 00:02:37 Previously, he was the director of external affairs for the New York University's Furman Center, where he oversaw communications and stakeholder engagement to promote evidence-based affordable housing and land use policies. During his tenure, he coordinated the public launch of the local housing solutions and Housing Solutions Lab, two major research policy and technical assistance platforms funded by national foundations. Charles has over 10 years of federal experience in four different positions with HUD and as a Peace Corps volunteer at Madagascar and Togo. He lives in Queens with his wife, two children and pandemic pup. Ziggy, please join me in welcoming Renae and Charlie.

Speaker 1 00:03:16 Thank you for joining us today to talk about fair Housing and Civil rights in the PRO Housing NOFO. Today we're going to walk through civil rights and equity in the PRO Housing NOFO. We're going to begin by going over civil rights and equity goals and priorities. Then we'll talk about where civil rights and equity are in the rating factors in the PRO Housing NOFO. Then we'll talk about civil

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rights and equity and the participation requirements, and then we'll talk about some other civil rights and equity you'll find sprinkled throughout the NOFO. Throughout all of this, we're going to give you some resources that you can use on your own to complete the questions provided, regarding civil rights and equity in the NOFO. And Charlie's going to get us started talking about civil rights and equities and the goals and priorities.

Speaker 2 00:04:12 Great, thank you so much Renae, and thank you everyone for taking some time to join us today. As Renae mentioned I'll be discussing civil rights and equity goals and priorities in the Pathways to Removing Obstacles to Housing NOFO.

Speaker 2 00:04:33 The 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. HUD will also prioritize applicants that demonstrate a commitment and ability to identify and remove barriers to expanding affordable housing in a manner that would promote desegregation, expanding affordable housing in well-resourced areas of opportunity for protected class groups that have systematically been denied equitable access to such areas or deconcentrating affordable housing and increasing housing choice.

Speaker 2 00:05:34 So one of the six goals in 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. The NOFO lists several examples of such barriers in the Need section. They are displayed on the slide here and they include permitting procedures and approval timing and predictability, zoning and land use controls, prohibitive building codes and capacity of local affordable housing developers and managers. There are numerous federal resources on barriers to affordable housing production on hud.gov, the Office of Community Planning and Development has a page on barriers to affordable housing. HUD's, office of Policy Development and Research maintains a regulatory barriers clearinghouse and has written on PRO Housing land use and zoning reforms and state level zoning reform. On HUD Exchange, you can explore increasing the supply of new affordable housing, in particular module three on land use flexibilities and from the National Archives you can review the housing development toolkit, which contains information on barriers to affordable housing and how communities can reduce them. I should mention all of these resources will be posted with the slide deck following today's webinar.

Speaker 2 00:07:32 In addition to federal resources, there are also outside resources on barriers to affordable housing development. Organizations like the NYU Furman Center and the Lincoln Institute of Land Policy have published research on land use reform barriers to affordable housing development, overcoming them. Local housing solutions and the housing solutions lab also provide self-help resources and technical assistance on overcoming barriers to affordable housing development. With that, I'm going to turn it back to Renae, who will discuss civil rights and equity in the PRO Housing factors.

Speaker 1 00:08:20 So yes, hello. So civil rights and equity are throughout the PRO Housing NOFO, but they are principally called out in three rating factors. In rating factor B, soundness of approach, rating factor C, capacity and rating factor E, long-term effect. We're going to go through each of these in turn and share with you resources that you can use in completing them.

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Speaker 1 00:08:53 The first, rating factor that you come across that deals with directly with fair housing and equity is rating factor B soundness of approach. The question you are asked to answer under part four of soundness of approach is how does your proposal align with the requirements to affirmatively further fair housing? And it asks you to respond to each of the following. We're going to cover all of the bullets provided in the NOFO though we're not going to go over them in the precise order they're given in the NOFO. I'll talk about the bullets and then Charlie will share with you in turn the resources that would help you with each bullet. Soundness of approach AFFH.

Speaker 1 00:09:43 The first two of the first bullets are describe your plans to remove barriers to the development of affordable housing in well-resourced areas of opportunity. You should look at how your proposal will increase access for underserved groups to these areas and what is the racial composition of the persons or households who are expected to benefit from your proposed grant activities. You should also address 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? Ask, how will your proposal increase housing choice by expanding the neighborhoods in which residents who need affordable housing afford can live.

Speaker 2 00:10:42 There are several resources to help you explore areas of opportunity. Opportunity insights at Harvard University as both an opportunity atlas and a social capital atlas that map opportunity neighborhoods and neighborhoods with high social capital. The Open Communities Alliance maintains an opportunity data portal and both Freddie Mac and Redfin have published research on home prices and high opportunity areas and the spectrum of opportunity areas that you can consider. HUD's Office of Policy Development and Research has also published material on confronting concentrated poverty that may help you respond to this rating factor.

Speaker 1 00:11:35 Another point that you should address in your answer is to describe your plans to remove barriers impeding the development of affordable housing that would promote desegregation. Ask yourself what policies or practices perpetuate segregation and how will your proposal address them?

Speaker 2 00:11:57 There are several resources that help you to map segregation in your area. HUD's Affirmatively Furthering Fair Housing Tool provides data and resources. The local housing solutions housing needs assessment tool synthesizes census data to map segregation at the municipal and neighborhood level. Berkeley's Othering and Belonging Institute also publishes a segregation map. The Century Foundation publishes school segregation data in cities across America and the Urban Institute hosted an event on advancing racial equity through fair housing and land use.

Speaker 1 00:12:43 Another bullet for you to consider is, 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. For example, replacement of affordable units for new construction or right of first refusal for tenants.

Speaker 2 00:13:15 HUD's Office of Policy Development and Research also has published materials on displacement of lower income families in urban areas, and you can find resources on HUD Exchange about some of the unintended impacts of redevelopment and revitalization efforts in five environmental justice communities.

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Speaker 1 00:13:37 Further bullets on AFFH are how does your approach address the unique needs of members of protected class groups, including persons with disabilities, families with children, and underserved communities of color? You should address that bullet as well as 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 and accessibility requirements under the Fair Housing Act.

Speaker 2 00:14:24 The following resources on accessibility are available to help you with this section of the NOFO, hud.gov publishes accessibility First information, and you can explore the Americans with Disabilities act at ada.gov. HUD's affirmatively furthering Fair Housing Tool allows you to map by disability type and the Urban Institute publishes transportation access to boost upward mobility.

Speaker 1 00:14:56 Additional bullets you should address are, describe the implementation and or enforcement plan for your proposal. Describe how you will approach resistance. For example, litigation environmental review design standards to eliminate to the elimination of your targeted barriers. 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 deconcentration of affordable housing.

Speaker 2 00:15:42 There are several academic, national and local academic institutions that evaluate the effects of land use reforms and affordable housing policy. They're listed on this slide, and you can follow the links to learn more about their work.

Speaker 1 00:16:01 The final bullets that need to be covered in responding to this rating factor, this sub-rating factor, are 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? Or you can include 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 group that would be unlikely or least likely to apply absent such efforts.

Speaker 2 00:17:02 These resources link to HUD's affirmative Fair Housing Marketing Plan Form, which is a required submission for all assisted and insured housing providers and to a policy brief on affirmative marketing published by the Poverty and Race Research Action Council.

Speaker 1 00:17:22 That concludes that rating factor and now we'll talk about rating factor C. Capacity. Rating factor C capacity asks what capacity do you and your partner or partners have? What is your staffing plan? You should describe your capacity for managing a federal grant of this size and scope. In evaluating this sub-factor, HUD will consider the degree to which applicants demonstrate clear capacity or 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.

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Speaker 1 00:18:17 In responding to the capacity rating factor, a complete response should address all seven bullets. We're only going to cover the bullet that deals with fair housing and equity. Do you or any partners have experienced working with civil rights and fair housing issues, including, for example, data to analyze racial or economic disparities? Do you or your partners have experienced designing or operating programs that have provided tangible reductions in racial disparities? So those are some materials that you should cover in addressing the capacity rating factor,

Speaker 2 00:19:09 I'm going to discuss the final rating factor, the long-term effect. What permanent long-term effects will your proposal have? What outcomes do you expect? HUD seeks to ensure that funded activities enable the production and preservation of affordable housing units long after the grants period of performance? So, you should 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. A complete compelling response about the long-term effect of your proposal should include the following, along with the other six bullets stated in the NOFO. 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.

Speaker 1 00:20:28 The PRO Housing NOFO includes public participation requirements. Within those public participation requirements, there are civil rights requirements and we'll talk about those now. 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. Applicants are responsible for ensuring that the public has equal access to information about the hearing and are able to attend the hearing. This includes persons with limited English proficiency. In-person meetings such as a public participation hearing 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 or activities to qualified individuals with disabilities in the most integrated setting appropriate. In addition, all notices 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.

Speaker 1 00:22:11 In addition to the public hearing, publication of Fair Housing Pro application and NOFO action plan are required 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. Each applicant must ensure that program specific information is available in appropriate languages for the geographic area served by the jurisdiction and in accessible formats for persons with disabilities. All of these requirements are contained in the NOFO and you can find more information about the public participation required there.

Speaker 1 00:23:13 If you would like more information on how to make public participation accessible, you can find it at engaging the disability community in Fair Housing Planning, which talks

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about AFFH for individuals with disabilities. Affirmatively Furthering Fair Housing Rule Guidebook, HUD's guidance on limited English proficiency, which talks about when these requirements must be met, can be found at this link. In addition, you can find information on public participation at the Housing Politics Lab and on the community engagement brief for local housing solutions. There are still other civil rights and equity requirements in the PRO Housing NOFO and we'll go over those in order.

Speaker 1 00:24:09 Resolution of Civil Rights Matters. Outstanding Civil Rights matters must be resolved before 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 a receive HUD funding. You can see Section D.1 of the program NOFO for more information on threshold eligibility requirements when those would apply for resolution of civil rights matters. The next place in the NOFO you would find equity and civil rights is advancing racial equity and affirmative marketing. These requirements can be found under eligibility information program specific requirements. The description of what must be done for advancing racial equity is found there, but you should know that applicants should provide this narrative under the Soundness of Approach Factor section. Factor section for AFFH, which we previously talked about further under eligibility and further down in the NOFO Under eligibility information program specific requirements, you'll find affirmative marketing. Applicants who propose to use the PRO Housing grant resources to fund activities directly producing or preserving housing units should provide this narrative under the soundness of approach factor for affirmatively furthering fair housing, as we already discussed

Speaker 1 00:25:53 Later in the NOFO under section four, application and submission information, other submission requirements, there's a statement involving affirmatively furthering fair housing. It states that an applicant will respond to this requirement under the soundness of approach rating factor. We've already talked about these requirements. You should note that the NOFO also states that if the applicant is a CDBG HOME, ESG or HOPWA grantee, it may note the date of its most recent certification and a summary of these actions reported in its most recent caper. However, applicants still need to describe their proposed NOFO activities and how they're aligned with the, the AFFH requirements in response to the rating factor soundness of approach. So, you still have to answer the questions at soundness of approach rating factor AFFH. Finally, under section five review and selection process, it's there is a requirement for experience promoting racial equity. You should be aware that applicants should describe their experience promoting racial equity in the capacity factor section, which we already talked about.

Speaker 0 00:27:20 Thank you, Renae and Charlie. we will now transition to the Q and A portion of our webinar. Before we begin, I'd like to remind our audience that HUD competitions are governed by the HUD performance. This means that HUD cannot provide advice about prospective prospective proposals, including whether a proposal will be eligible or competitive. We cannot interpret the NOFO, but we can tell you whether something is in the NOFO or the CDBG framework. The NOFO is the definitive source of information for PRO Housing. We'll answer the questions to the best that we can, but please make sure to check the PRO Housing webpage for updated frequently asked questions if we're not able to answer your questions today. With that, I will introduce our panelist. Today's FAQ features, Jessie Handford Kome, Director of HUD's, Office of Block Grant Assistance. The panel will also feature Renae Campbell of HUD's Office of Fair Housing and Equal Opportunity who we just heard from. Thank you to our panelists. And with that, once they come on board, we will go to our first question. Hey, Jessie. Hey, Renae. So our first question that came up was, our community recently had a qualified

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census tract removed due to new development. Although our low- and medium-income housing still exist in the area of the city, it's not as easily defined. While our city need to resort to CDBG beneficiary forms to prove low and moderate income thresholds and or justice 40 qualifications.

Speaker 4 00:28:56 So I'll take that one because that's a straight CDBG question. It sounds like it's coming from somebody sort of in the state CDBG world and not the entitlement world. So I'd like to remind you that the NOFO does provide a waiver for planning activities in state CDBG, that they're not going to be subject to the national objective requirements. They will behave and be treated as if the same way in the entitlement world treats planning activities, particularly for areas, or for functional areas. Read the NOFO for more details on that. Um, otherwise the answer is that you have to meet the National objective requirements the way they're laid out in the CDBG regulations. And if you have an activity that has a service area, that whole service area, not one track at a time, but the actual service area of the, the activity that you're doing, if it's infrastructure, for example, all of those census areas are gathered together and you calculate the low mod percentage for that. There's some guidance on service areas in the guide to the desk guide for CDBG entitlements. I think it's the Guide to National Objectives and Eligibility for CDBG entitlements that might be the most useful and service area is one of the chapters in the back. It's also, I believe in basically CDBG, which are resources that we have linked available off the PRO Housing page or you can find on the HUD Exchange. But this is a straight up CDBG question.

Speaker 4 00:30:42 What else do we have, Landon? I see an MPO one. We have a team working in the background, you guys organizing the questions out of the chat, pulling them out and setting them up so that we can take a look at them and decide who grabs what. Oh, here's one for, Renae. If the applicant is an MPO and working with multiple jurisdictions, do we need to certify that each jurisdiction does not have any outstanding civil rights matters? The NOFO says the applicant can't have any outstanding civil rights matters, and I believe it also says the partners, right? So work, what does working with mean? If you take a sub-recipient with civil rights issues you're taking on in regular CDBG, you're taking on a pretty thorny problem. The NOFO speaks, I think, , we went over that in the slide. Renae, it spoke to partner and the applicant, right? She's looking it up as fast as she can. <laugh>.

Speaker 4 00:32:52 Maybe while she's tackling that I'll handle, do you see the revolving loan fund when Landon, can you read it?

Speaker 0 00:32:58 That one? Yeah. So it says, our community is considering a revolving loan fund for the NOFO. If there's somewhere we can look for guidance on whether we would need to turn repayments or otherwise have restrictions on repayment use.

Speaker 4 00:33:10 Yes. The NOFO speaks to program income. The way revolving loan funds work in CDBG, and we didn't mess with this. The way revolving loan funds work in CDBG is that you do an activity that generates income. You take the income and put it into a revolving fund and revolve it for more of the same activity type, basically. And you don't draw from the line of credit directly into a revolving fund. That's not how it works in CDBG. So right away you're dealing with the payment, the program income founding the revolving fund and then CDBG program income. The program income requirements are very sticky. If you're a CDBG entitlement or state grantee, or you have another open CDBG grant, it just stays CDBG. There is a different resolution after the end of a grant agreement for nonprofits or non-governmental organizations or sometimes NPOs or quasi, and we would have to work that out awardee by awardee. But the answer is repayments. You should just asse that they're going to

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keep the PRO Housing requirements on them, certainly through the life of the grant and possibly beyond.

Speaker 4 00:34:45 And there is guidance on revolving funds. Also in basically CDBG, the main CDBG training has a section on revolving funds, and I believe if you Google on HUD Exchange, there's also a specific training on revolving funds that will come up. It's actually in the law for CDBG and in the regulations, the entitlement regulations.

Speaker 6 00:35:18 To get back to the Thank you, Jessie, for the, to get back to the question regarding certifications, the applicant would be certifying that they will comply with civil rights, and fair housing laws in addition to all their other certifications. So they would be certifying for themselves that they will be complying with the law. I'm not sure of the structure of the partnerships, but is the applicant who completes the certification.

Speaker 4 00:35:45 Right. And then the Civil Rights Matters thing is a general ban in the template and the applicant can't have any Civil rights matters.

Speaker 6 00:35:58 Correct. The applicant have can't have any Civil rights matters, but that's separate from the certification.

Speaker 4 00:36:13 Yep. All right. What else we got coming in?

Speaker 0 00:36:17 We have one here where it says, in the NOFO it mentions the inclusion of evidence of partnership letters. Are these essentially letters of support?

Speaker 4 00:36:27 No, we're not interested in letters of support. We describe what partnership letters are, if you want to bring in partners, especially the capacity factor says your capacity or your partner's. There is a document to sign first partnership in the NOFO, and you have to read the NOFO and follow that. But letters of support are not requested and I believe we explicitly say, that that's not what we're asking for.

Speaker 0 00:37:13 Looking in the chat as well as looking in our working document look like we don't have a lot of questions. Just extending this to the audience, if you guys have questions, now's a great time to include them in the chat. We'd love to answer them.

Speaker 4 00:37:29 You know, I would encourage people to take a look at the FAQs on the PRO Housing webpage, we're getting a fair number of hits on that page, so we know people are looking at that. And I believe we just got word that today, the NOFO has made it to grants.gov. So, everything's there loaded up. So you'll be able to find it over there. And we're going to be adjusting our links as fast as we can to point over to where it's supposed to. grants.gov, so it's no longer in preview mode. We have a NOFO, we got our Paperwork reduction Act number. Does anybody else have any other questions?

Speaker 4 00:38:17 I see a few. Oh, can you cover any changes between the draft NOFO and the final NOFO? My understanding is it's got a PRA number now. As we said, we did not intend, when we post the preview, we did not intend to make changes. We did add the PRA number okay. And we were seeing little notes that we did manage to get people's questions answered. That's what we're waiting through a little bit. I'm not seeing any new questions going once, going twice. How long will participants be able to ask you questions and obtain answers? Until the deadline, just send them into the email box, and there is a team, the same team who's backing up Renae and me today and, Landon's part of it are helping us staff

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that mailbox and, and take care of getting answers out. There's a Hey Renae thing in here. Oh, okay. There we go. All right. I think that's all I'm seeing.

Speaker 0 00:40:06 Yeah, but as Jessie has mentioned, the PRO Housing NOFO is now officially live via grants.gov. As always, if this is your first time using grants.gov, you can use the search bar that is at the top right, corner of that webpage, and you can search for the grant by typing in PRO Housing or FR-6700n-98 and that should lead you to the PRO Housing NOFO and able to download the materials and begin submit your applications. As always, don't forget, you can always email CDBG-Pro@HUD.gov anytime, and our team will strive to respond by the next business day. And please make sure to check the FAQ document on HUD PRO Housing's webpage as we're updating that on a regular basis. As always, thank you all so much for attending, and we wish you a great day.