



# AFFH FACT SHEET: COMMUNITY PARTICIPATION AND AFFIRMATIVELY FURTHERING FAIR HOUSING GUIDANCE FOR PUBLIC HOUSING AGENCIES<sup>1</sup>

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## WHAT IS COMMUNITY PARTICIPATION?

Community Participation, consultation, and coordination is required under the Affirmatively Further Fair Housing (AFFH) rule (24 CFR § 5.158). While they have different names, the requirements for community participation under the AFFH rule are the same as the “public participation” requirements in HUD regulations for Public Housing Agencies (PHAs), but are two separate processes. Community participation requirements apply to all program participants. Without meeting the community participation requirements, an AFH will be found to be substantially incomplete and not accepted by HUD.

**For the purposes of the rule, community participation as required in 24 CFR § 5.158, “means a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes.”**

PHAs must ensure an AFH is informed by meaningful community participation in the process of analyzing data; identifying fair housing issues and factors contributing to fair housing issues; and developing fair housing goals within the Assessment of Fair Housing (AFH). In conducting the community participation process, PHAs must conduct outreach to those populations who have historically experienced exclusion, including racial and ethnic minorities, limited English proficient (LEP) persons, and persons with disabilities.

## WHAT ARE THE COMMUNITY PARTICIPATION REQUIREMENTS?

Section 5.158 and subsequent conforming amendments contain community participation, consultation, and coordination requirements. The community participation required by the new AFFH rule is similar to what is already required of program participants. In fact, in addition to the community participation requirements outlined at 24 CFR § 5.158, the rule incorporates AFH community participation into existing program regulations at parts 91 and 903.

When collaborating to submit an AFH, the community participation process must include residents, and other interested members of the public, in the jurisdictions of each collaborating program participant, and not just those of the lead entity. *Those program participants who choose to collaborate must meet those requirements specific to their program regulations.*

- **ALL PROGRAM PARTICIPANTS.** The requirements at 24 CFR § 5.158 provide that the public has reasonable opportunities for involvement in the development of the AFH and in the incorporation of the AFH into Public Housing Agency Plans. These requirements are aimed at assisting program participants achieve an inclusive fair housing planning process where community

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<sup>1</sup> Consolidated Plan program participants are also required to submit AFHs and follow community participation requirements pursuant to the AFFH rule. Consolidated Plan program participants requirements are covered in other guidance documents.

members, community-based organizations, and program participants contribute to the development of the AFH, as well as plans and activities to achieve fair housing goals specified in the AFH.

- **PUBLIC HOUSING AGENCIES (PHAs)**. PHAs must follow the policies and procedures described in 24 CFR §§ 903.13, 903.15, 903.17, and 903.19 in the process of developing the AFH, obtaining Resident Advisory Board and community feedback, and addressing complaints. This includes, but is not limited to:
  - Continue to ensure a PHA's Annual Plan is consistent with the applicable consolidated plan;
  - At least 45 days prior to the hearing, make any proposed analysis and relevant documents, including the HUD-provided data and any other data to be included in the AFH, available to the public; and
  - At least 45 days prior to the hearing, publish a notice informing the public that the information is available for review and inspection, and that a public hearing will take place on the AFH, and the date, time and location of the hearing.
  
- **ALL PROGRAM PARTICIPANTS**. All program participants provide a summary of Community Participation in the AFH pursuant to 24 CFR § 5.154. Section 5.154 requires program participants to report on their community participation processes and outcomes in the AFH. The AFH must include:
  - A concise summary of the community participation process, public comments, and efforts made to broaden community participation in the development of the AFH;
  - A summary of the comments, views, and recommendations, received in writing, or orally at public hearings, during the community participation process; and
  - A summary of any comments, views, and recommendations not accepted by the program participant and the reasons for nonacceptance.
  
- **ALL PROGRAM PARTICIPANTS**. All program participants shall ensure that all aspects of community participation are conducted in accordance with fair housing and civil rights laws, including title VI of the Civil Rights Act of 1964 and the regulations at 24 CFR part 1; section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8; and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable.

## **SEQUENCE OF REQUIRED COMMUNITY PARTICIPATION PROCESSES**

Community participation must occur in the development of the AFH so that a program participants take into consideration the views and recommendations of the community. The AFH itself should be completed as a separate process *prior* to formulating PHA Plan as the AFH must inform and be incorporated into these subsequent planning processes. As such, the AFH-related community participation will occur *prior* to the PHA Plan community participation processes. The community participation process that occurs during the development of the AFH does not replace the required community participation in subsequent planning processes.