

**Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity**

FACT SHEET

HUD's Fair Housing and Civil Rights Mission

The Department of Housing and Urban Development (HUD) is committed to enforcing the federal Fair Housing Act and other civil rights laws with the fundamental goal of making housing opportunities available to all. Additionally, the Department will use all of its programmatic and enforcement tools to eliminate racial and ethnic segregation, illegal physical and other barriers to persons with disabilities, and other discriminatory practices in housing and housing-related services.

Affirmatively Furthering Fair Housing

Section 808(e)(5) of the Fair Housing Act requires the Secretary of HUD to administer the Department's housing and urban development programs in a manner to "affirmatively further fair housing (AFFH)." HUD in large part carries out this obligation by requiring HUD grantees to affirmatively further fair housing through its Emergency Shelter Grants (ESG); Community Planning and Development (CPD) Programs: Community Development Block Grants (CDBG) and Home Investment Partnerships (HOME); and Housing Opportunities for Persons with AIDS (HOPWA). Through its CPD programs, HUD's goal is to expand mobility and widen a person's freedom of choice.

The extent of the AFFH obligation has never been defined statutorily. However, HUD defines it as requiring a grantee to: (1) Conduct an analysis to identify impediments to fair housing choice (the AI) within the jurisdiction; (2) Take appropriate actions to overcome the effects of any impediments identified through the analysis; and (3) Maintain records reflecting the analysis and actions taken in this regard.

Analysis of Impediments to Fair Housing Choice (AI)

An AI is a comprehensive review of a state 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. It also assesses 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 and describing the actions taken to overcome the effects of the impediments identified through the Consolidated Annual Performance Evaluation Report. Although AIs are not submitted to or approved by HUD, each jurisdiction should maintain its AI and **update** the AI annually where necessary.

Fair Housing Agencies Eligible for Community Development Block Grants (CDBG) Funds

CPD regulations allow the use of CDBG funds to provide fair housing services as a program administration cost. Eligible fair housing costs designed to support the AFFH efforts in the jurisdictions include: making all persons aware of the range of housing options available; enforcement, education, and outreach; working to avoid undue concentrations of assisted persons in areas with many low- and moderate-income persons; and other appropriate activities, including conducting local paired testing.

Accessibility Requirements

In addition to the Fair Housing Act, HUD has enforcement obligations under the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), which provide additional protections to persons with disabilities. Together, these federal laws require housing providers, state and local governments, and all recipients of federal financial assistance to ensure accessibility for persons with disabilities. Public facilities and buildings, as well as all projects receiving federal financial assistance, must be designed, constructed and altered to be fully accessible to people with mobility and sensory impairments.

The Fair Housing Act applies to both public and private housing. Under the Fair Housing Act, new multifamily buildings must be designed and constructed to have fully accessible common areas. These buildings must also incorporate basic adaptive features in ground floor and elevator-accessible dwelling units to allow for use by people with disabilities. In addition to these requirements, when housing is created using federal funding, at least 5% of a project's dwellings must be fully accessible to people with mobility impairments, and an additional 2% must be accessible to people with vision and hearing impairments.

Recipients of HUD funding include, but are not limited to, public housing authorities, CDBG entitlement entities, and private organizations receiving HUD grant monies. Recipients must ensure full compliance with these federal laws and must also ensure compliance by all sub-recipients to whom funds are distributed. The Uniform Federal Accessibility Standards, the ADA Accessibility Guidelines, and the Fair Housing Act Accessibility Guidelines set forth architectural specifications for features of accessible design, such as ramps, passable doorways, and Braille signage.

HUD encourages state and local governments to adopt local building codes that comply with the accessibility requirements of the Fair Housing Act. In this regard, HUD has recognized ten "safe harbor" model building codes which fully comply with the Fair Housing Act's accessibility requirements. HUD provides free training and technical assistance on the Fair Housing Act's design and construction requirements through its Fair Housing Accessibility FIRST program. For more information, please visit www.fairhousingfirst.org.