



August 17, 2015

Regulations Division, Office of General Counsel
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Re: Docket No. FR-5173-N-05 – Affirmatively Furthering Fair Housing Assessment Tool; Solicitation of Comment – 30 Day Notice Under Paperwork Reduction Act of 1995

Dear Madam/Sir:

On behalf of its members, the National Community Development Association (NCDCA) thanks you for the opportunity to provide comments on the Affirmatively Furthering Fair Housing Assessment Tool (AFH Tool). NCDCA represents nearly 400 local government agencies which directly administer the Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program, and other Department of Housing and Urban Development (HUD) funding. Fair housing is important to our members and the beneficiaries served by our core programs – CDBG and HOME. It is critical to the development of strong and sustainable communities and we support HUD's efforts to ensure that all communities are inclusive.

With that being said, the AFH Tool is an unfunded mandate that will strain existing program coffers. Both CDBG and HOME have been cut severely in the past several years and the new AFFH process and AFH Tool will add additional financial burden to already low program budgets. Along with all of the other HUD required reports and administrative duties including the Consolidated Plan, Annual Action Plan, CAPER, semi-annual labor reports, quarterly financial reports, Section 3 report, MBE/WBE report, IDIS, environmental reviews, Davis-Bacon, monitoring of sub-recipients, the AFH will further add to the workload of grantees. *To help entitlement jurisdictions with their fair housing planning and implementation, we urge HUD to provide additional financial resources to local governments to meet their fair housing requirements and needs, including providing flexibility within the CDBG program regulations.*

HUD is specifically soliciting comment from members of the public and affected program participants on the Assessment Tool on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

The answer will be different for various categories of grantees. The collection of information will have more relevance and value for larger grantees that administer multiple HUD funding sources and that have the capacity to carry out a wide range of housing and community development activities.

For small grantees administering only a small amount of CDBG and/or HOME funds for a narrow range of activities the Assessment Tool will impose a significant additional burden with little value added for the grantee. In our previous comment, NCDCA and NACCED recommended that HUD reduce the scope of the information collection for

small grantees. While we appreciate HUD providing small grantees receiving less than \$500,000 in CDBG with additional time to complete the AFH, that really does not address the problem. There should be a shorter, less wide-ranging information collection required of smaller grantees. The AFH process, and tool, as proposed will be difficult enough for large CDBG and HOME entitlement jurisdictions to develop; small grantees are at an even greater disadvantage given their staff capacity and resource challenges. The AFH is not a report that small grantees would be able to do in-house. As proposed in previous comments to HUD, the AFFH process and AFH tool should be abbreviated for small grantees.

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information. (Estimate is 240 hours for entitlement jurisdictions)

We are unable to estimate the burden prior to completing an AFH. HUD should ask grantees to track the actual number of hours and costs of completing the AFH and submit this with the completed AFH.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected

General Comments

The AFH tool should enable downloading and export of the maps in jpeg and pdf formats to be attached to the grantee's submission.

Maps should label the Census tracts with the Census Tract number to enable grantees to complete the required descriptions of geographic distribution/locations of the areas with R/ECAPS, disproportionate housing need, etc.

The AFH tool should enable downloading and export of the raw data shown on the maps. We would request that the data be downloadable into excel at the Census Tract level.

The tables should show the data at both the city-wide level as it does now and for each census tract.

Specific Issues

Disproportionate Housing Need: The data on the four housing problems should be presented separately rather than lumped together. The problems have very different policy implications and one or another of the four problems may be a significant problem while the others may not be significant. Also, it would be helpful if the table included data by tenure (owner-occupied and renter-occupied) and to separate out the analysis of household size and household type into separate tables with more detail. For example it would be important to know how many of the households with less than 5 members are single-person households Also, how many of the households with housing cost burden are elderly?

Publicly Supported Housing: HUD should clarify whether the data on the maps represents the distribution of PSH units within a Census Tract based on actual unit counts in the buildings located within the tract or if the count assumes that all of the units in a project are in a single building. For example, would a 100-unit project comprised of 4 buildings located in 4 separate census tracts be shown as such or would it be shown as one 100-unit project in just one of the 4 tracts? Also, it would be helpful if there were data showing the number of PSH units as a percent of the total number of housing units both citywide and by census tract.

Demographics: It would be helpful to have a separate breakout of the number of families (households) with children under age 6. These are households at risk of lead paint poisoning.

Limited English Proficiency: The definition of LEP employed here is not clear. It would be helpful if there were a reference to the specific ACS table from which the data was derived. Also, it would be helpful if there could be a second LEP map showing dots for the top 3 LEP languages (or maybe those above a certain number) in each tract. This would help capture areas with a significant LEP population speaking a language that is outside the top 5 LEP

languages citywide. For example, Russian-speakers with LEP may not be in the top 5 citywide, but they may be #1 in a particular neighborhood or census tract.

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses

HUD should make the AFH Tool available to CPD grantees as a template to be completed and submitted in IDIS just as the Consolidated Plans currently are. The list of contributing factors could be incorporated into the template as a dropdown list to be selected as appropriate for each Fair Housing issue.

NCDA requests that the HUD Affirmatively Furthering Fair Housing (AFFH) Tool be simplified to reduce the time it takes to collect, analyze, and report the data. At the present time, the tool includes 40 pages of instructions, 61 pages of maps, and 25 pages of data tables. While we appreciate the attempt at a thorough approach to a fair housing assessment tool, the complex nature of the data and the sheer number of data elements, puts an undue burden on local jurisdictions, whose budgets have already been cut significantly over the past ten years. The amount of material requested and the level of follow-up will require staff capacity at a level that the majority of jurisdictions do not currently have.

(5) Whether Option A or Option B of the Revised Assessment Tool would be the most effective and efficient way of conducting the analysis with respect to the selection of contributing factors.

HUD is providing two formats of the Revised Assessment Tool for public comment. The two formats do not differ in content or analysis required by the assessment tool, but do differ with respect to where the analysis of contributing factors occurs.

Option A of the Revised Assessment Tool provides a categorized list of the most common contributing factors relating to all fair housing issues (but it is not an exhaustive list of all possible contributing factors) in one location following the analysis sections of Segregation/Integration, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. The same categorized list of contributing factors also follows each of the following sections: Publicly Supported Housing Analysis; Disability and Access Analysis; and Fair Housing Enforcement, Outreach Capacity, and Resources Analysis. In identifying contributing factors, program participants are instructed to note which fair housing issue(s) (Segregation/Integration, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs) the selected contributing factor impacts. Program participants must also include any other contributing factors impacting fair housing issues in their jurisdiction or region that are not included in the provided lists.

Option B of the Revised Assessment Tool contains more discrete lists of the most common contributing factors (but each list is not an exhaustive list of all possible contributing factors) after each section of analysis: Segregation/Integration, R/ECAPs, Disparities in Access to Opportunity, Disproportionate Housing Needs, Publicly Supported Housing Analysis, Disability and Access Analysis, and Fair Housing Enforcement, Outreach Capacity, and Resources Analysis. For the last three sections of analysis, program participants are instructed to note which fair housing issue(s) (Segregation/Integration, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs) the selected contributing factor impacts. It is unnecessary to do this step for the first four sections of Option B because of the placement of the more discrete contributing factor lists after each of those sections. Program participants are also required to include any other contributing factors impacting fair housing issues in their jurisdiction or region that are not included in the provided lists.

Both formats of the Revised Assessment Tool also contain short explanations of all the listed contributing factors in Appendix C. These explanations provide program participants with additional guidance about

each contributing factor, which may enable program participants to make more informed selections of contributing factors when conducting their analyses.

If one option is preferred over the other, please state the reasons for the preference

By providing discrete lists of contributing factors for each section of the analysis Option B seems more straightforward and has less redundancy than Option A.

(6) While the Revised Assessment Tool was designed to set minimum AFH requirements as well as providing a straightforward process for HUD to review the AFH, how might program participants use the template to conduct broader collaborations including more comprehensive cross-sector collaborations?

Grantees will not know the answer to this until they start using the Tool.

How could the Revised Assessment Tool provide greater flexibility for participants to collaborate and expand upon the framework HUD has set in the Revised Assessment Tool?

Again, grantees need experience in using the Tool to explore further collaboration efforts.

How could the Revised Assessment Tool allow program participants to incorporate better or additional data, alternative mapping tools, or other data presentations?

If the data were available at the census tract level for grantees to export it could then be imported into other software by grantees for analysis by neighborhood or other levels not available in the AFH too. The Consolidated Plan template currently enables grantees to use alternate data.

(7) Whether additional changes to the Revised Assessment Tool would better facilitate regional collaboration among program participants.

Again, grantees need experience in using the Tool to explore further collaboration efforts.

Thank you for the opportunity to provide comments. NCDCA looks forward to working with HUD to improve the AFFH process and AFH Tool. Please feel free to contact me at vwatson@ncdaonline.org with any questions concerning this letter.

Sincerely,

Vicki Watson
Executive Director
National Community Development Association