



THE UNITED STATES
CONFERENCE OF MAYORS



July 23, 2018

Office of General Counsel
Regulations Division
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0001

Re: [Docket No. FR-5173-N-17] - Affirmatively Furthering Fair Housing: Withdrawal of the Assessment Tool for Local Governments

Dear Office of General Counsel,

As national associations representing local governments, we have concerns with the existing Assessment Tool for Local Governments and urge HUD to accept the following recommendations.

Exempt Small Grantees

We strongly recommend that HUD exempt small CDBG and HOME grantees – those that receive \$2 million or less in federal CDBG or HOME dollars – from developing the Assessment Tool for Local Governments. Small grantees have limited budgets and staff and the Tool places an undue burden on these grantees. Instead, we recommend these grantees submit an AFFH certification with their Consolidated Plan. The AFFH Con Plan certification obligates a program participant to certify that it will affirmatively further fair housing, which includes the following actions:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
- Take appropriate actions to overcome the effects of any impediments identified through the analysis
- Maintain records reflecting the analysis and actions taken in this regard

Exempting small grantees should also help HUD's burden by reducing the number of AFHs that have to be reviewed and reducing the number of grantees to be provided technical assistance.

Reduce the Administrative Burden and Financial Cost for Consolidated Plan Participants

We request that HUD further streamline the Assessment Tool for Local Governments, for those grantees that receive more than \$2 million annually in CDBG or HOME funds, by reducing the administrative burden and cost of developing the Local Government Assessment Tool by taking the following actions.

Consolidated Plan (Con Plan)

- Avoid any duplication of content of the Assessment Tool with the Con Plan
- Incorporate the Local Government Assessment Tool into the Con Plan.

AFFH Tool Section C: Publicly Supported Housing Demographics – We request that HUD require local public housing authorities (PHAs) to complete this analysis.

User Interface

- Replace the User Interface with a streamlined template in IDIS's e-Con Plan.
- The table formatting tools are burdensome resulting in tables that spread over multiple pages and are difficult to read. The HUD provided tables (and maps) should be built into the template as they are in the e-Con Plan so that the narrative can follow the tables rather than having to toggle back and forth from the table to the narrative.
- It is difficult to copy and insert tables, graphics and maps. They must be relegated to a supplemental document attached at the end which makes the narrative hard to follow. This needs to be corrected.
- The User Interface document should be exportable to Word as it is in the e-Con Plan to make it easier to create a draft document to share with the public.
- The User Interface should enable users to import the maps as jpegs and pdfs rather than having to rely on the print function to save as pdf. The resulting files are often too large to share and are very slow to open.
- The data and maps in the User Interface are not the same as the data in the public version of the data and mapping tool, leading to confusion. The data and maps should be consistent.
- The User Interface required grantees to use old versions of the data while more up to date versions were available to the public in the mapping and data tool. This needs to be corrected.
- The sections of the User Interface for the Prioritization of Contributing Factors and for adding and describing the Fair Housing Goals are awkward. HUD should provide clear guidance on the selection of "significant" contributing factors, the prioritization of the contributing factors, and how the contributing factors for each fair housing issue should be addressed by the goals. Those goals that are to be incorporated into the grantee's Con Plan should be flagged and be exportable to the Con Plan.

Correct Data Issues

- Grantees should be able to use the most recent data set rather than out of date earlier sets. It is confusing to the public to have more recent data available in the public mapping and data tool.
- The demographic trend data source was not consistent across the years of the trend analysis (Brown Longitudinal data for 1990 and 2000, Census data excluding multi-racial individuals for 2010). We question the value of the trend analysis going back to 1990. A comparison of 2000, 2010 and 2016 (or most recent Census/ACS) would be more useful.
- The opportunity indexes should be dropped. They were not intuitive and the data on which they were based was questionable.
- The school proficiency index presumed that school choices are neighborhood-based rather than citywide by lottery (which is the case in some communities) and only used 4th grade test scores. This index should be dropped or made more flexible.

- The segregation index only allowed for comparing the distribution of two racial/ethnic groups at a time. It overstates the degree of segregation by not considering multi-racial areas. Also, the index only focused on dissimilarity of whites with other racial/ethnic groups and did not provide for analysis of dissimilarity of blacks with Asians, etc. This needs to be corrected.
- The jobs proximity index did not take into consideration public transportation access. This needs to be corrected.
- HUD did not provide data on the distribution of rental and ownership housing for the jurisdiction or for the region although this data is readily available from the American Community Survey. This information should be provided.
- Table 5 – Publicly Supported Housing Units by Program Category only provides data for the jurisdiction on publicly supported housing units. Data should also be provided regionally so grantees can tell if they are providing a greater or lesser share of the subsidized housing units compared to the metro region. For example, Jurisdiction X has 10% of the region’s housing units but provides 20% of the region’s subsidized housing, including 25% of the region’s public housing, etc. Table 5 should also include LIHTC units and, if possible, HOME and CDBG funded housing units.
- Table 9 – Demographics of Households with Disproportionate Housing Needs should be broken out by tenure and by HUD income category to enable grantees to determine if disparities exist by race/ethnicity when controlling for income level. Also, lumping the 4 housing problems together is not useful. It would be more useful to provide separate tables for each of the 4 housing problems.
- Table 10 – Demographics of Households with Severe Housing Cost Burden should be broken out by tenure and by HUD income category to enable grantees to determine if disparities exist by race/ethnicity when controlling for income level.
- The regional data and required regional analysis by race/ethnicity groups, families with children and national origin for every category of fair housing issues is not useful for local government grantees who are not submitting a regional AFH. This is more relevant for states. It should be optional for local governments.
- R/ECAPs identified on the maps did not agree with R/ECAPs identified in the raw data for the same data set. This should be consistent. Also, it would be helpful if HUD provided tabular demographic data (race/ethnicity, poverty level, national origin) for each R/ECAPs separately rather than just for the R/ECAPs aggregated together.
- The PHA data is inaccurate – state-funded projects are not included and some of the federal public housing projects are not contained within the HUD data.
- Further, to assist local governments in providing a full fair housing analysis in their communities, HUD needs to make the following data easily accessible:
 - Home Mortgage Disclosure Act data
 - Federal and State Fair Housing Complaint data

Improve the AFH Review and Approval Process

We recommend that HUD develop a checklist to use in reviewing and approving the AFH Tool and provide grantees with the checklist so that all parties have a clear and consistent process to follow.

Technical Assistance

We recommend that HUD provide ongoing technical assistance to grantees to help them develop their Local Government Assessment Tool.

We thank you for the opportunity to comment on the AFH process and tools. If you have any questions, please contact Vicki Watson, NCDA Executive Director, at vwatson@ncdaonline.org or at 540-656-9552.

Sincerely,

National Community Development Association

National Association of Counties

U.S. Conference of Mayors

National Association for County Community and Economic Development