Affirmative Fair Housing Rule

Updated Notice: 10-14-19

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Executive Director

The Hunger & Homeless Coalition of Collier County Board of Directors has agreed to adhere to the Department of Housing and Urban Development 24 CFR Parts 5, 91, 92, et al notice of “further regulatory action” Affirmatively Furthering Fair Housing as updated to the original legislation as passed by Congress 1968, Title VIII of the Civil Rights Act.

The Hunger & Homeless Coalition of Collier County shall abide to all parts of the Fair Housing Act by appropriately reviewing any cases brought before it dealing with potential “discrimination in the sale, rental, and financing of dwellings and other housing related transactions because of race, color, religion, sex, familial status, national origin or handicap.” The Hunger & Homeless Coalition of Collier County shall seek the council of appropriate legal and or HUD representatives to ensure any and all findings are satisfied to standards of the law.

“From its inception, the Fair Housing Act (and subsequent laws reaffirming its

principles) has not only prohibited discrimination in housing related

activities and transactions but has also provided, through the duty to

affirmatively further fair housing (AFFH), for meaningful actions to be

taken to overcome the legacy of segregation, unequal treatment, and

historic lack of access to opportunity in housing. Prior to this rule, HUD directed

participants in certain HUD programs to affirmatively further fair housing by

undertaking an analysis of impediments (AI) that was generally not submitted to

or reviewed by HUD. This approach required program participants, based on

general guidance from HUD, to identify impediments to fair housing choice

within their jurisdiction, plan, and take appropriate actions to overcome the

effects of any impediments and maintain records of such efforts.

Informed by lessons learned in localities across the country, and with program

participants, civil rights advocates, other stakeholders, and the U.S.

Government Accountability Office all commenting to HUD that the AI

approach was not as effective as originally envisioned, in 2013 HUD

initiated the rulemaking process to propose a new and more effective

approach for program participants to use in assessing the fair housing issues

and factors in their jurisdictions and regions and for establishing fair housing

priorities and goals to address them. The approach proposed by HUD in

2013, and adopted in this final rule, with revisions made in response to

public comments, strengthens the process for program participants’

assessments of fair housing issues and contributing factors and for the

establishment of fair housing goals and priorities by requiring use of an

Assessment Tool, providing data to program participants related to certain

key fair housing issues, and instituting a process in which HUD reviews

program participants’ assessments, prioritization, and goal setting. While

the statutory duty to affirmatively further fair housing requires program

participants to take actions to affirmatively further fair housing, this

final rule (as was the case in the proposed rule) does not mandate

specific outcomes for the planning process. Instead, recognizing the

importance of local decision-making, the new approach establishes basic

parameters to help guide public sector housing and community development

planning and investment decisions in being better informed about fair housing

concerns and consequently help program participants to be better

positioned to fulfill their obligation to affirmatively further fair housing.

**Summary of Legal Authority** The Fair Housing Act (title VIII of the

Civil Rights Act of 1968, 42 U.S.C. 3601–3619) declares that it is ‘‘the

policy of the United States to provide, within constitutional limitations, for fair

housing throughout the United States.’’ See 42 U.S.C. 3601. Accordingly, the

Fair Housing Act prohibits, among other things, discrimination in the sale, rental,

and financing of dwellings, and in other housing-related transactions because of

‘‘race, color, religion, sex, familial status,1 national origin, or handicap.’’ 2

See 42 U.S.C. 3604 and 3605. Section 808(d) of the Fair Housing Act requires

all executive branch departments and agencies administering housing and

urban development programs and activities to administer these programs

in a manner that affirmatively furthers fair housing. See 42 U.S.C. 3608.”