

Appendix N - HUD Notice - Affirmatively Furthering Fair Housing in the CDBG Program



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410

FEB - 9 2007

MEMORANDUM FOR: Community Planning and Development Field Directors
Fair Housing and Equal Opportunity Regional Directors
Community Development Block Grant and State Recipients
Fair Housing Initiatives Program Recipients
Fair Housing Assistance Program Recipients

FROM: *Pamela H. Patenaude*
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SUBJECT: Affirmatively Furthering Fair Housing in the Community
Development Block Grant Program

PURPOSE:

The purpose of this guidance is to clarify the use of Community Development Block Grant (CDBG) funds in supporting fair housing activities to assist CDBG recipients in meeting their certifications to affirmatively further fair housing (AFFH).

BACKGROUND:

Title VIII of the Civil Rights Act of 1968, as amended (the Fair Housing Act), prohibits discrimination in all housing-related activities on the basis of race, color, religion, sex, national origin, familial status (number and age of children) and disability ("handicap"). Section 808(e)(5) of the Fair Housing Act also requires the Secretary of HUD to administer the Department's housing and community development programs in a manner to affirmatively further fair housing (AFFH). CDBG grantees (metropolitan cities, urban counties, States, insular areas, and non-entitled grantees in Hawaii) are also required by Section 104(b)(2) of the Housing and Community Development Act of 1974, as amended, and Section 105(b)(3) of the National Affordable Housing Act (NAHA) of 1990 to certify that they will AFFH. Actions to AFFH should further policies of the Fair Housing Act by actively promoting wider housing opportunities for all persons while maintaining a nondiscriminatory environment in all aspects of public and private housing markets.

AFFIRMATIVELY FURTHERING FAIR HOUSING GUIDELINES:

The Consolidated Plan regulations at 24 CFR 91.225 and 91.325 establish the AFFH requirements of the Fair Housing Act that apply to the CDBG program. They specify that the AFFH certification requires the grantee to engage in fair housing planning by conducting an analysis to identify impediments to fair housing choice within its jurisdiction, taking appropriate actions to overcome the effects of identified impediments, and maintaining records to document the analysis and the actions taken.

Sections 105(a)(8) and (13) of the Housing and Community Development Act of 1974, as amended, authorize the use of CDBG funds for public services and for planning and program administration costs. The entitlement regulation at 24 CFR 570.205(a)(vii) makes eligible, as a planning activity, developing an analysis of impediments to fair housing choice, while the use of CDBG to provide fair housing services may be eligible as a program administration cost in accordance with 24 CFR 570.206 or as a public service in accordance with 24 CFR 570.201(e). Eligible public services include the use of CDBG funds for activities such as fair housing counseling. Eligible fair housing costs designed to AFFH are detailed in 24 CFR 570.206(c) and include making all persons aware of the range of housing options available, enforcement, education, outreach, avoiding undue concentrations of assisted persons in areas with many low- and moderate-income persons, and other appropriate activities, including testing, selected by the grantee to AFFH. States may use the entitlement regulations referenced above for interpretive guidance.

One major method for achieving these purposes is funding of local fair housing agencies, which includes agencies in both the Fair Housing Initiative Program (FHIP) and Fair Housing Assistance Program (FHAP). Between these programs, these agencies can:

- Undertake fair housing enforcement, *i.e.*, complaint processing;
- Draft amendments to State and local fair housing laws in order to make them substantially equivalent to the federal Fair Housing Law;
- Conduct the Analysis of Impediments to Fair Housing Choice (AI);
- Provide fair housing education and outreach;
- Provide translation and interpretation services for persons who are limited English proficient; and/or
- Assist in the development of accessible housing for persons with disabilities

RECORDKEEPING:

In accordance with 24 CFR 570.490 and 570.506(g), as applicable, grantees should establish a record-keeping system for their AFFH activities. This would include, among other items: copies of local fair housing laws and ordinances; the full history of the development of its AI; options available for overcoming impediments; local businesses, agencies, and resident-groups involved in the consultative process; planned actions and those taken; issues that arose when the actions were planned and conducted; and any other information about the community's fair housing planning process.

CONTACTS:

CDBG grantees having questions about this guidance should contact the CPD Division in their respective HUD Field Office (see attached list). HUD staff should contact Richard Kennedy, Director, Office of Block Grant Assistance, or Pamela Walsh, Acting Director, Office of Policy, Legislative Initiatives and Outreach. Mr. Kennedy's telephone number is 202-402-4542, and Ms. Walsh's telephone number is 202-402-7017.

Attachment

2007 CPD Field Directory
(as of 1/5/2007)

HUD Field Office	Name/Title	Address	Telephone Number	FAX Number
REGION I: NEW ENGLAND				
Hartford, CT	Gary Reisine, CPD Director	1 Corporate Center Hartford, CT 06103	860-240-9770	860-240-4857
Manchester, NH	Richard Hatin, Program Manager	1000 Elm Street, 8 th Fl. Manchester, NH 03101	603-666-7510, Ext. 3017	603-666-7644
Boston, MA	Robert Paquin, CPD Director	Thomas P. O' Neill Federal Bldg. 10 Causeway Street Boston, MA 02222	617-994-8357	617-565-5442
REGION II: NEW YORK/NEW JERSEY				
Buffalo, NY	Nancy Peacock, CPD Director	465 Main Street, 5 th Floor Buffalo, NY 14203	716-551-5755, Ext. 5800	716-551-5752
New York, NY	Teresa Bainton, CPD Director	26 Federal Plaza, Suite 3541 New York, NY 10278	212-542-7401	212-264-0993
Newark, NJ	Kathleen Naymola, CPD Director	One Newark Center, 13 th Floor Newark, NJ 07102	973-776-7288	973-645-4461
REGION III: MID-ATLANTIC				
Baltimore, MD	Charles Halm, CPD Director	10 South Howard Street, 5 th Floor Baltimore, MD 21201	410-209-6541	410-209-6639
Philadelphia, PA	Nadab Bynum, CPD Director	100 Penn Square, East Philadelphia, PA 19107	215-861-7652	215-656-7250
Pittsburgh, PA	Lynn Daniels, CPD Director	339 Sixth Avenue, 6 th Floor Pittsburgh, PA 15222	412-644-2999	412-644- 2678/6499
Richmond, VA	Ronnie Legette, CPD Director	600 East Broad Street Richmond, VA 23219	804-771-2100, Ext. 3770	804-771-2284
Washington, DC	Frances Bush, CPD Director	820 First Street NE, Suite 300 Washington, DC 20002	202-275-9200, Ext. 3163	202-275-4190
REGION IV: SOUTHEAST/CARIBBEAN				
Birmingham, AL	Harold Cole, CPD Director	950 22 nd Street, North, Suite 900 Birmingham, AL 35203	205-731-2630, Ext. 1027	205-731-2388
San Juan, PR	Jose Rivera, CPD Director	Parque Las Americas I 235 Federico Costa St., Suite 200 San Juan, PR 00918	787-766-5400, Ext. 2004	787-766-5995
Miami, FL	Maria R. Ortiz Hill, CPD Director	909 SE First Avenue Miami, FL 33131	305-536-4431, Ext. 2223	305-536-4781
Atlanta, GA	John Perry, CPD Director	40 Marietta Street, Five Points Plaza Atlanta, GA 30303	404-331-5001	404-331-3617
Jacksonville, FL	Gary Causey, CPD Director	400 West Bay Street, Suite 1015 Jacksonville, FL 32202	904-232-1777, Ext. 2077	904-232-3617
Louisville, KY	Virginia Peck, CPD Director	601 West Broadway Louisville, KY 40202	502-582-6163, Ext. 200	502-582-5300
Jackson, MS	Emily Eberhardt, CPD Director	100 W. Capitol Street, Room 910 Jackson, MS 39269	601-965-4700, Ext. 3140	601-965-5912
Greensboro, NC	Gary Dimmick, CPD Director	1500 Pinemcroe Road Greensboro, NC 27407	336-547-4000, Ext. 2047	336-547-4148
Columbia, SC	Louis Bradley, CPD Director	1835 Assembly Street, 13 th Floor Columbia, SC 29201	803-765-5564	803-253-3426
Knoxville, TN	Mary C. Wilson, CPD Director	710 Locust Street, SW, Suite 300 Knoxville, TN 37902	865-545-4400, Ext. 125	865-545-4575

REGION V: MIDWEST				
Chicago, IL	Ray E. Willis, CPD Director	77 W. Jackson Blvd. Chicago, IL 60604	312-353-1696, Ext. 2713	312-353-5417
Indianapolis, IN	Robert F. Poffenberger, CPD Director	151 N. Delaware Street, Suite 1200 Indianapolis, IN 46204	317-226-6303, Ext. 6790	317-226-7308
Detroit, MI	Jeanette Harris, CPD Director	477 Michigan Avenue Detroit, MI 48226	313-226-7900, Ext. 8059	313-226-6689
Minneapolis, MN	Alan Joles, CPD Director	920 Second Avenue South Minneapolis, MN 55402	612-370-3019, Ext. 2107	612-370-3093
Columbus, OH	Jorgelle Lawson, Acting CPD Director	200 North High Street Columbus, OH 43215	614-469-5737, Ext. 8254	614-469-2237
Milwaukee, WI	Robert Berlan, CPD Director	310 W. Wisconsin Ave. Rm 1380 Milwaukee, WI 53203	414-297-3214, Ext. 8100	414-297-3202
REGION VI: SOUTHWEST				
Little Rock, AR	James Slater, CPD Director	425 West Capitol Avenue, Suite 900 Little Rock, AR 72201	501-324-6375, Ext. 3300	501-324-5954
New Orleans, LA	Greg Hamilton, CPD Director	501 Magazine Street, 9 th Floor New Orleans, LA 70130	504-589-7214, Ext.1047	504-589-4089
Albuquerque, NM	Francisco Padilla, CPD Director	625 Silver Avenue SW, Suite 100 Albuquerque, NM 87102	505-346-7361	505-346-7574
Oklahoma City, OK	David H. Long, CPD Director	301 NW 6 th Street, Suite 200 Oklahoma City, OK 73102	405-609-8569	405-609-8574
San Antonio, TX	John T. Maldonado, CPD Director	106 South St. Mary's Street San Antonio, TX 78205	210-475-6821	210-472-6825
Ft. Worth, TX	Katie Worsham, CPD Director	801 Cherry Street, P.O. Box 2905 Ft. Worth, TX 76113	817-978-5951	817-978-5559
Houston, TX	Sandra Warren, CPD Director	1301 Fonnin Street, Suite 2200 Houston, TX 77002	713-718-3115	713-718-3251
REGION VII: GREAT PLAINS				
Kansas City, KS	Theresa Porter, CPD Director	400 State Avenue, Room 200 Kansas City, KS 66101	913-551-5485	913-551-5859
Omaha, NE	Patricia M. McCauley, CPD Director	10909 Mill Valley, Suite 100 Omaha, NE 68154	402-492-3147	402-492-3163
St. Louis, MO	Dee Ann Ducote, CPD Director	1222 Spruce Street, Suite 3207 St. Louis, MO 63103	314-539-6524	314-539-6818
REGION VIII: ROCKY MOUNTAIN				
Denver, CO	Guadalupe M. Herrera, CPD Director	1670 Broadway Denver, CO 80202	303-672-5076	303-672-5028
REGION IX: PACIFIC/HAWAII				
San Francisco, CA	Steven Sachs, CPD Director	600 Harrison Street, 3 rd Floor San Francisco, CA 94104	415-489-6598	415-489-6601
Honolulu, HI	Mark Chandler, CPD Director	500 Ala Moana Blvd., Suite 3A Honolulu, HI 96813	808-522-8180, Ext.264	808-522-8194
Los Angeles, CA	William Vasquez, CPD Director	611 W. 6 th Street, Suite 800 Los Angeles, CA 90017	213-534-2555	213-894-8122
Phoenix, AZ	Louis Kislin, Team Lead	One North Central Ave., Suite 600 Phoenix, AZ 85004	602-379-7169	602-379-4431
REGION X: NORTHWEST/ALASKA				
Anchorage, AK	Gus Smith, CPD Director	3000 C Street, Suite 401 Anchorage, AK 99503	907-677-9890	907-677-9802
Portland, OR	Douglas Carlson, CPD Director	400 SW 6 th Avenue, Suite 700 Portland, OR 97204	971-222-2612	503-326- 3684/4065
Seattle, WA	Jack Peters, CPD Director	909 First Avenue, Suite 200 Seattle, WA 98104	206-220-5268	206-220-5403