AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) – 2025 Revisions

There is an interim final rule pending publication in the Federal Register. The published version will establish the effective date and comment due date. <https://www.hud.gov/sites/dfiles/PA/documents/6519-I-01-AFFH-IFR.pdf>

This interim final rule revises HUD’s regulation governing the Fair Housing Act’s mandate that the Secretary administer HUD’s program and activities in a manner that affirmatively furthers fair housing. This interim final rule returns to the original understanding of what the statutory AFFH certification was prior to 1994 – a general commitment that grantees will take active steps to promote fair housing. Click the link above for more information.

This document will be updated pending further guidance from the Federal Dept. of Housing and Urban Development. Please use this link to obtain the most recent information regarding AFFH. <https://www.hud.gov/fairhousing>

AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) – 2024

The Fair Housing Act requires HUD and its recipients of federal financial assistance to do more than simply not discriminate; they must take meaningful actions to overcome patterns of segregation and foster inclusive communities.

[What is AFFH?](https://www.hud.gov/program_offices/fair_housing_equal_opp/affh#_What_is_AFFH?) [Why is AFFH part of the Fair Housing Act?](https://www.hud.gov/program_offices/fair_housing_equal_opp/affh#_Why_is_AFFH) [What is the Legacy of the AFFH Mandate?](https://www.hud.gov/program_offices/fair_housing_equal_opp/affh#_What_is_the) [How Does HUD Implement the AFFH Mandate?](https://www.hud.gov/program_offices/fair_housing_equal_opp/affh#_How_does_hud) [Who must comply?](https://www.hud.gov/program_offices/fair_housing_equal_opp/affh#_Who_must_comply?) [Resources](https://www.hud.gov/program_offices/fair_housing_equal_opp/affh#_Resources)

**WHAT IS AFFH?**

Title VIII of the Civil Rights Act of 1968, known as the [Fair Housing Act](https://www.govinfo.gov/content/pkg/USCODE-2016-title42/html/USCODE-2016-title42-chap45-subchapI.htm), requires HUD and recipients of federal funds from HUD to affirmatively further the policies and purposes of the Fair Housing Act, also known as “affirmatively further fair housing” or “AFFH.” The obligation to affirmatively further fair housing requires recipients of HUD funds to take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics, which are:

**Race**

**Color**

**National origin**

**Religion**

**Sex** (including sexual orientation and gender identity)

**Familial status**

**Disability**

Generally, in administering programs and activities relating to housing and community development, the federal government, HUD, and its recipients must:

* Determine who lacks access to opportunity and address any inequity among protected class groups
* Promote integration and reduce segregation
* Transform racially or ethnically concentrated areas of poverty into areas of opportunity

**WHY IS AFFH PART OF THE FAIR HOUSING ACT?**

For much of the late 19th and early 20th century, government at all levels throughout the United States, along with private developers, and mortgage lending institutions, played an active role in creating segregated living patterns and inequalities of opportunity. The federal government used the power of the military to remove Native Americans from their homelands, restricted federally insured mortgages on the basis of race and used "slum clearance" and "urban renewal" programs to demolish neighborhoods for infrastructure projects that largely benefitted white Americans at a significant cost to and perpetuated the segregation of Black communities, Indigenous communities, and other communities of color. Private housing developers also used racially restrictive covenants that perpetuated segregation and restricted access to homeownership and other housing opportunities for communities of color, among many other forms of discrimination.

In 1967, following the “Long, Hot Summer of 1967,” which consisted of over 150 race-related riots, President Lyndon B. Johnson established the National Advisory Commission on Civil Disorders, also known as the Kerner Commission. The Commission was tasked with investigating the causes of the riots that occurred in cities like Los Angeles, Detroit, Chicago, Newark, Milwaukee, and New York City. The final report of the Commission, issued in 1968, pointed to a lack of economic opportunity, failed government programs, police brutality, and racism, among other causes. The [Commission’s Report](https://www.hud.gov/sites/dfiles/FHEO/documents/kerner_commission_full_report.pdf) is famously known for its declaration that “Our nation is moving toward two societies, one black, and one white - separate and unequal.”

In 1968, when Congress enacted the Fair Housing Act, one of the Act’s co-sponsors, Senator Walter F. Mondale, explained that “the purpose that the proposed law was designed to replace the ghettos by ‘truly integrated and balanced living patterns.’” Congress intended that HUD do more than simply not discriminate itself and intended for HUD to use its grant programs to assist in ending discrimination and segregation, to the point where the supply of genuinely open housing increases. As such, since 1968, the federal government recognized its role in creating segregated living patterns that continue to have negative impacts on health, education, and the economy and its responsibility to undo the effects of policies, practices, and procedures that result in a lack of equity.

**WHAT IS THE LEGACY OF THE AFFH MANDATE?**

As recently as 2015, the [U.S. Supreme Court](https://www.justice.gov/sites/default/files/crt/legacy/2015/06/25/tdhcainclusiveopinion.pdf) reaffirmed one purpose of the Fair Housing Act when it explained that “much progress remains to be made in our Nation’s continuing struggle against racial isolation…The Court acknowledges the Fair Housing Act’s continuing role in Moving the Nation toward a more integrated society.”

HUD and the federal government continue to work toward achieving the integrated and more balanced living patterns envisioned by the Fair Housing Act in 1968. In 2021, the White House issued a [Memorandum to the Secretary of Housing and Urban Development](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-redressing-our-nations-and-the-federal-governments-history-of-discriminatory-housing-practices-and-policies/), which declared that the affirmatively furthering fair housing provision in the Fair Housing Act, “...is not only a mandate to refrain from discrimination but a mandate to take actions that undo historic patterns of segregation and other types of discrimination and that afford access to long-denied opportunities.” The White House, in 2021, also issued a number of Executive Orders that implicate HUD’s responsibility for implementing the AFFH mandate, including [Executive Order 13895](https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government), “Advancing Racial Equity for Underserved Communities Through the Federal Government” and [Executive Order 13988](https://www.federalregister.gov/documents/2021/01/25/2021-01761/preventing-and-combating-discrimination-on-the-basis-of-gender-identity-or-sexual-orientation), “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.”

**HOW DOES HUD IMPLEMENT THE AFFH MANDATE?**

For decades, HUD has required recipients of federal financial assistance such as States, local governments, insular areas, and PHAs (program participants) to engage in fair housing planning. Such planning has previously consisted of the Analysis of Impediments to Fair Housing Choice and the Assessment of Fair Housing and was done in connection with other types of planning required by program requirements, such as the consolidated plan, annual action plan, and PHA plan.

HUD implements the AFFH mandate in other ways, such as through its collection of certifications from grantees, provisions regarding program design in its notices of funding opportunity (NOFOs), affirmative fair housing marketing and advertising requirements, and enforcement of site and neighborhood standards.

**WHO MUST COMPLY?**

In general, the AFFH mandate applies to HUD and its grantees, as well as all executive agencies and departments of the federal government, and relates to the administration of any program or activity relating to housing and urban development.

**RESOURCES**

HUD is providing resources to assist communities undertaking fair housing planning. These resources are intended to serve as guidance for program participants, and need not be submitted to HUD. These resources are for guidance purposes only and are not mandatory.

**Fact Sheets**

The following fact sheets were issued in connection with HUD’s 2015 AFFH Rule and may be useful to program participants and their communities as they engage in fair housing planning.

* [**AFFH Fact Sheet: The Duty to Affirmatively Further Fair Housing**](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet.pdf)
* [**AFFH Fact Sheet: The Fair Housing Planning Process under the AFFH Rule**](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet-The-Fair-Housing-Planning-Process-Under-the-AFFH-Rule.pdf)
* [**AFFH Fact Sheet: Community Participation and AFFH – Guidance for Consolidated Plan Program Participants**](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet-Community-Participation-and-AFFH-Guidance-for-Consolidated-Plan-Program-Participants.pdf)
* [**AFFH Fact Sheet: Community Participation and AFFH – Guidance for Public Housing Agencies**](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet-Community-Participation-and-AFFH-Guidance-for-Public-Housing-Agencies.pdf)
* [**AFFH Fact Sheet: Transitioning to the New AFFH Process – Guidance for Consolidated Plan Program Participants**](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet-Transitioning-to-the-New-AFFH-Process-Consolidated-Plan-Program-Participants.pdf)
* [**AFFH Fact Sheet: How Program Participants Can Collaborate on Their AFH Submissions**](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet-How-Program-Participants-Can-Collaborate-on-Their-AFH-Submissions.pdf)
* [**Guidance on HUD’s Review of Assessments of Fair Housing (AFHs)**](https://www.hud.gov/sites/dfiles/FHEO/documents/Guidance-on-HUDs-Review-of-Assessments-of-Fair-Housing-AFH.pdf)

**Assessment Tool for Local Governments**[**[PDF]**](https://www.hud.gov/sites/dfiles/FHEO/documents/Assessment-of-Fair-Housing-Tool-For-Local-Governments-2017-01.pdf)[**[Word]**](https://www.hud.gov/sites/dfiles/FHEO/documents/Assessment-of-Fair-Housing-Tool-For-Local-Governments-2017-01.docx) **Data links next page**

The Assessment Tool for Local Governments may be used by local governments and any collaborating program participants that choose to conduct an Assessment of Fair Housing (AFH).

**AFFH Rule Guidebook**[**[PDF]**](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Rule-Guidebook.pdf)

The AFFH Rule Guidebook provides guidance regarding ways communities could affirmatively further fair housing, as well as how to use the Assessment Tools and the AFFH Data and Mapping Tool issued in connection with HUD’s 2015 AFFH Rule.

[**Fair Housing Planning Guide – Volume 1**](https://www.hud.gov/sites/dfiles/FHEO/documents/Fair-Housing%20-Planning-Guide.pdf)

Published in March 1996, the Fair Housing Planning Guide provides guidance on how to conduct an Analysis of Impediments to Fair Housing Choice.

[**Fair Housing Planning Guide – Volume 2**](https://www.hud.gov/sites/dfiles/FHEO/documents/Fair-Housing-Planning-Guide_Vol_2_May_1996.pdf)

Originally published in May 1996, the second volume of the Fair Housing Planning guide provides guidance on grantee activities undertaken in connection with an Analysis of Impediments to Fair Housing Choice and how to affirmatively further fair housing.

[**AFFH Data and Mapping Tool (AFFH-T)**](https://egis.hud.gov/affht/)
HUD will continue to update the information provided relating to the AFFH-T

This publicly available, interactive tool provides access to HUD-provided data. Additional resources for using the AFFH-T include:

**AFFH-T User Guide** [**[PDF]**](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFHT_4_0_User_Guide_Final_2017.pdf), which explains how to use the AFFH-T.

**AFFH-T Data Documentation**, which explains the data methodology in the AFFH-T.

[Data Documentation - AFFHT0001](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0001-September-2017.pdf)

[Data Documentation - AFFHT0002](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0002-September-2017.pdf)

[Data Documentation - AFFHT0003a](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0003a-September-2017.pdf)

[Data Documentation - AFFHT0004](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0004-November-2017.pdf)

Data Documentation - AFFHT0005

Data Documentation - AFFHT0006

**AFFH-T Known Issues**, which is a document that describes issues known to persist in the AFFH-T.

[AFFH-T Known Issues - July 2017](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Known-Issues.pdf)

[AFFH-T Known Issues - September 2017](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Known-Issues-September-2017.pdf)

[AFFH-T Known Issues - December 2017](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Known-Issues-December-2017.pdf)

**AFFH-T Raw Data** are files that contain the raw data included in the AFFH-T.

AFFHT0001 Raw Data

AFFHT0002 Raw Data

AFFHT0003 Raw Data

[AFFHT0004 Raw Data](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFHT0004a-AFFH-Raw-Data-Feb2018_0.zip)

AFFHT0005 Raw Data

[AFFHT0006 Raw Data](https://www.hud.gov/sites/dfiles/FHEO/documents/AFFHT0006-AFFH-Raw-Data-July2020_0.zip)