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The Fairest of Them All: Analyzing Affirmatively Furthering Fair Housing Compliance

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ABSTRACT

The Department of Housing and Urban Development's 2015 Affirmatively Furthering Fair Housing Rule requires municipalities to formulate new plans to address obstacles to fair housing and disparities in access to opportunity. Although the rule provides a more rigorous structure for plan compliance than previously, as a form of metaregulation, it still gives substantial flexibility to localities. Are municipalities creating more robust fair housing plans under the new rule, and what types of municipalities are creating more rigorous goals? Analyzing the plans filed thus far, we find that municipalities propose significantly more robust goals under the new rule than they did previously. Local capacity is positively correlated with goals containing measurable objectives or new policies. Measures of local motivation are positively associated with goals that enhance household mobility or propose place-based investments.

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Two of the defining characteristics of cities in the United States are high levels of racial residential segregation and dramatic geographic disparities in access to opportunity (Carr & Kutty, 2008; Massey & Denton, 1993). Congress passed the Fair Housing Act in 1968 in large part to address racial segregation and racial inequality, both by prohibiting housing discrimination and also by requiring federal housing and community development funding to “affirmatively further” fair housing (Affirmatively Furthering Fair Housing, 2015). But levels of residential segregation by race remain high, and place-based disparities in access to opportunity are wide (De La Roca, Ellen, & Steil, 2017; Ellen, Steil, & De La Roca, 2016; Landis & Reina, 2019).

Through the 2015 Affirmatively Furthering Fair Housing Rule (AFFH Rule), the Department of Housing and Urban Development (HUD) has increased both its support for and expectations of local efforts to further fair housing. Consistent with existing scholarship on effective state and federal mandates for local plans in general (Berke & French, 1994; Berke, Roenigk, Kaiser, & Burby, 1996; May & Burby, 1996; Ramsey-Musolf, 2017), the AFFH Rule clarifies federal objectives and provides a more rigorous structure for plan compliance. The rule is intended to provide HUD grant recipients “with an effective planning approach to aid program participants in taking meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination” (Affirmatively Furthering Fair Housing, 2015). The rule requires municipalities to submit Assessments of Fair Housing (AFH) that present their plans to reduce segregation and to increase equality of access to opportunity in their communities. These AFH replace the previous Analysis of Impediments to Fair Housing (AI) process, which was frequently ignored by HUD grant recipients. Despite greater clarity in objectives compared with the AI process, however, the AFFH Rule remains a form of metaregulation—relying on localities to invest in developing their

own plans for compliance and self-regulation—and therefore leaves open the question of its effectiveness. To what extent are localities producing more robust assessments of fair housing in the AFH process than they did under the AI process? This question has become particularly important in light of HUD's January 2018 suspension of the AFFH rule and its May 2018 indefinite withdrawal of the AFFH tool on which the rule relies. HUD's justification for the rule freeze was that program participants needed more time and assistance to adjust to the new rule. To what extent is that justification supported by the AFH submitted thus far?

The substantial discretion the AFFH Rule provides to municipalities also raises the question of what city characteristics are associated with more rigorous plans to advance fair housing. Existing research has identified factors associated with higher levels of segregation and more restrictive zoning (Bates & Santerre, 1994; Pendall, 2000; Rolleston, 1987; Rothwell & Massey, 2010; Rugh & Massey, 2014), but less is known about local characteristics associated with affirmative steps by municipalities to promote residential integration (Benner & Pastor, 2015; Chapple, 2015; Goering, 2007). Why do some cities create policies to equalize access to opportunity and advance fair housing whereas others do not?

To answer these questions, we code and analyze all of the 28 AFH that were submitted between October 2016 (the first submission date) and July of 2017, as well as each of these municipalities' AI (their previous plans filed before the AFFH Rule came into effect), to examine variation in two areas. First, we analyze differences in the robustness of municipal goals to address segregation between those plans submitted pursuant to the AFH process and those submitted previously under the AI process. Second, looking only at the AFH submissions, we examine which city-level characteristics are associated with more robust goals.

I. Literature Review

Five decades after the passing of the Fair Housing Act, levels of residential racial segregation in U.S. metropolitan areas have declined somewhat, but remain high (Iceland & Sharp, 2013; Rugh & Massey, 2014; Steil, De La Roca, & Ellen, 2015). Relatively high levels of segregation persist for many reasons, including continuing discrimination, differences in economic resources, and variations in knowledge about and preferences for particular neighborhood characteristics (Bayer, Ferreira, & McMillan, 2007; Havekes, Bader, & Krysan, 2016; Krysan, Couper, Farley, & Forman, 2009; Turner, Santos, Levy, & Wissoker, 2016). The rising share of rent-burdened households and growing crises of housing affordability in many cities are exacerbating segregation and disparities in access to neighborhood-based resources (Been, Ellen, & O'Regan, 2019). Perhaps the most significant reason for continuing levels of segregation by race and income is the decentralized structure of government in the United States that leaves both the provision of goods and services and the raising of a substantial share of government revenue to municipal governments. The existing allocation of public revenue and responsibilities creates incentives for municipalities to use local land-use powers to restrict the type and number of housing units within their borders to maximize property values and minimize public expenditures (Briffault, 1990; Fischel, 2009). Research has consistently found that fiscal or economic considerations are important determinants of restrictive or exclusionary residential zoning as municipalities compete for fiscal gains within regions (Bates & Santerre, 1994; Rolleston, 1987). Consequently, local government borders have frequently come to serve as boundaries between different socioeconomic or racial groups (Fennell, 2009; Frug, 2001). As a result, designing policies "to offset the incentives to exclude is difficult in theory as well as in practice" (Bogart, 1993 p. 1678).

From Analyses of Impediments to Assessments of Fair Housing

In addition to the Fair Housing Act's provisions prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or family status in the marketing and provision of

housing and associated services (Discrimination in the Sale or Rental of Housing and Other Prohibited Practices, 2008) the Fair Housing Act also requires HUD, and those state and local entities receiving funding through HUD programs, “affirmatively to further” fair housing (Administration, 1998). Although HUD is responsible for ensuring that state and local grant recipients fulfill this obligation to advance fair housing, the agency has rarely enforced the affirmatively furthering provisions of the Fair Housing Act (Collins, 2010).

In 1983, Congress required that Community Development Block Grants (CDBG) “shall be made only if the grantee certifies to the satisfaction of the Secretary [of HUD] that...the grantee will affirmatively further fair housing” (Discrimination in the Sale or Rental of Housing and Other Prohibited Practices, 2010). Accordingly, HUD in 1988 developed Fair Housing Review Criteria stating that, absent independent evidence to the contrary, if grantees conducted an Analysis of Impediments to Fair Housing Choice and took actions to address any identified impediments, HUD would presume that they had met their certification to affirmatively further fair housing (U.S. Department of Housing and Urban Development, 1996). But these AI were rarely reviewed by HUD and were widely seen by grant recipients as irrelevant, leading many recipients to ignore their obligations to further fair housing (Gurian & Allen, 2009; Silverman, Patterson, & Lewis, 2013). A 2010 Government Accountability Office report found that nearly one out of every three AI was out of date. The report also found that the vast majority of AI had no time frame for implementing their recommendations and were not signed by the local executive officials responsible for implementation (U. S. Government Accountability Office, 2010). In perhaps the only court case brought by a nonprofit fair housing organization to challenge lack of AI compliance, a federal district court found that Westchester County, New York, had “utterly failed” to meet its obligations under the affirmatively furthering provisions of the Fair Housing Act and that each of its certifications in the AI had been “false or fraudulent” (United States ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, 2009).

In an effort to give greater force to the Fair Housing Act’s affirmatively furthering provision, HUD in 2015 issued the AFFH Rule (42 U.S.C. § 3608, 2015). Pursuant to the rule, HUD provides data to program participants about the residential segregation of Fair Housing Act-protected classes and about place-based disparities in access to opportunity within their jurisdiction and region.¹ HUD requires grant recipients to engage in a community participation process using these data and other local data to conduct analyses of segregation, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, and then to identify what factors contribute to these fair housing issues (Assessment of Fair Housing, 2015). The grant recipients must then set forth goals for advancing fair housing and equal access to opportunity; identify the metrics, milestones, and parties responsible for achieving those goals; and, in their subsequent Consolidated Plans and annual Action Plans, include strategies and actions to realize the goals that the municipalities had set out in their AFH (Assessment of Fair Housing, 2015).

Federal Mandates and Local Plan Quality

The AFFH Rule is a collaborative federal mandate, requiring states and localities to create their own unique fair housing plans. Scholarship on the relationship between state or federal planning mandates and local plan quality has found that the clarity of a regulation’s goals and the existence of tools for enforcement are important factors in shaping local plan quality (Berke & French, 1994; May & Burby, 1996; Ramsey-Musolf, 2017). The new AFH process substantially increases the clarity of HUD’s goals, but still relies on local governments to invest in the process, and has only blunt enforcement mechanisms.² This combination of increased clarity and continuing devolution, with only minimal enforcement tools, has led to significant uncertainty regarding the effectiveness of the rule.

Research in other contexts has found that characteristics associated with ultimate plan implementation are: (a) the factual basis of the plan, (b) the presence of goals based on measurable objectives, and (c) the specification of policies designed to achieve those goals (Baer, 1997; Berke &

French, 1994; Berke & Godschalk, 2009; Berke et al., 1996). To be effective, goals and policies in a plan must be sufficiently specific to be tied to definite actions, must be supported by a written commitment to carry out those actions, and must incorporate provisions for measuring progress, including indicators of advancement, timelines for completing the required actions, and identification of the parties responsible for implementation (Baer, 1997; Berke & Godschalk, 2009). In the AFH process, all municipalities are given the same HUD data as a starting point for their plan and are required to analyze those data and answer specific questions HUD poses in the AFH assessment tool. The factual basis of the plans therefore has a shared baseline. There is significant variation, however, in the goals that municipalities put forth in their AFH, the metrics they present to evaluate progress, and the policies they create to realize the goals. Accordingly, imperfect but consistently measurable proxies for plan quality or robustness among AFH are (a) commitments to measurable objectives or (b) new policies to implement goal objectives.

The presence of measurable objectives gives local residents and fair housing advocates clear benchmarks by which to hold local governments accountable for their progress on fair housing. A lack of measurable objectives, on the other hand, may indicate an intentional effort to avoid accountability to either HUD or the public. Similarly, a new policy or program reflects both an assessment of the obstacles to fair housing and an analysis of a specific, novel path to overcome that obstacle. Creating a new policy or program generally involves the expenditure of political or financial capital by local government officials to secure its approval and allocate staff to execute it; officials are unlikely to provide those resources if they see it as a waste, unlikely to deliver results.³

Metaregulation and the Devolution of Fair Housing

The AFFH Rule is best described as a form of *metaregulation*: a regulation that seeks to induce those subject to it—here, municipalities—to develop their own internal, self-regulatory responses (Coglianese & Mendelson, 2010; Gilad, 2010). Metaregulations are often relied upon in contexts where localities need flexibility to implement rules suitable to their particular context (Gilad, 2010). The AFFH Rule seeks a reduction in disparities in access to opportunity but leaves open to municipalities a variety of strategies for achieving a “balanced approach” to fair housing (U.S. Department of Housing and Urban Development, 2015, p. 12). Similar to equality directives in other areas, the AFFH Rule seeks to encourage local innovation in addressing the complex mechanisms that sustain contemporary racial inequality (Johnson, 2007, 2012).

Research in other contexts has suggested that two factors are particularly important for compliance with metaregulations: regulatees’ normative commitment to the objectives of the regulation and their capacity to implement it (Gilad, 2010). Regulatees are more likely to comply after a combination of both internal discussion and external pressure from stakeholders, shaping their normative commitment, as well as if they have the capacity to acquire information relevant to the regulation and reevaluate it. In the AFH context, commitment encompasses multiple characteristics that could be expected to be associated with AFH strength: local political ideology, given significant partisanship in support for and opposition to the AFFH Rule (Rubin, 2015); strength of local fair housing groups, given that fair housing is a low-salience issue and driven largely by interest groups and the number and type of fair housing lawsuits in the region, given the historical importance of legal action in attempting to force municipalities to integrate their communities (Schill & Friedman, 1999; Schwemm, 2011; Yinger, 1999). Local socioeconomic considerations, such as levels of unemployment, median income, and college graduation rates, may also shape efforts to address segregation by providing a sense of economic security or anxiety. Local demographic composition and levels of segregation may also shape political opportunities for fair housing by influencing residents’ and elected officials’ perceptions of the importance of racial disparities.

Local government capacity is another important characteristic likely to shape the effectiveness of a metaregulation such as the AFFH Rule. One way to conceptualize local capacity is through the amount of community development funding the municipality receives in a given year, which influences the

number of staff and their levels of professionalization and specialization. HUD annually allocates roughly \$3 billion in CDBG funding according to a formula that takes into account several measures of community need, including population size, the extent of poverty, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas. Another measure of local capacity is the timeliness of recipients' use of CDBG funds, which HUD calculates for each recipient annually.

Hypotheses

Drawing on the scholarship on local plan quality and on metaregulation, we examine two aspects of the goals proposed in municipal fair housing plans pursuant to the AFFH Rule.

First, we look at the program level, testing whether the goals proposed in the AFH actually contain more measurable objectives and new policy proposals than the prior AI. HUD did not provide detailed regulatory guidance in the AI process, requiring only that grant recipients certify that they had completed an AI. HUD encouraged municipalities to follow the guidelines set out in the 1996 Fair Housing Planning Guide, including recommending that program participants survey fair housing issues in the area, identify impediments to fair housing, and recommend an action plan or other implementation steps. By contrast, the AFFH Rule explicitly requires five sections detailing: (a) Community Participation Process, (b) Assessment of Past Goals and Actions, (c) Fair Housing Analysis, (d) Fair Housing Contributing Factors, and (e) Fair Housing Goals and Priorities (U.S. Department of Housing and Urban Development, 2015). The regulations governing AFH require program participants to set goals for overcoming conditions that restrict fair housing choice or access to opportunity and "describe how the goal relates to overcoming the identified contributing factor(s) and related fair housing issue(s), and identify the metrics and milestones for determining what fair housing results will be achieved" (Assessment of Fair Housing (AFH), 2015). Given the greater clarity in objectives, the more structured planning process, and the data provided by HUD in the AFH process as compared with the relatively unguided AI submissions, we hypothesize that goals submitted under the AFFH Rule are more likely than those submitted under the AI regime to have measurable objectives or a new policy or program proposed to achieve them.

Second, we analyze what municipal-level characteristics—particularly measures of motivation and capacity—are associated with a larger number of robust fair housing goals as well as a larger number of goals focused on mobility and place-based initiatives. We hypothesize that municipalities with higher measures of motivation and of capacity are more likely to commit to measurable objectives and new policies in the AFH and that those municipalities with higher measures of motivation are more likely to have goals focused on mobility or place-based investments.

II. Data and Methods

We analyze data from two principal sources: Assessments of Fair Housing (AFH) and Analysis of Impediments (AI). In the AFH we focus on the Fair Housing Goals and Priorities and in the AI we focus on the roughly parallel recommendations or action plans. The sample for this article comprises all of the 28 AFH submitted to HUD between October 2016 and July 2017, along with the 27 AI previously submitted by the same municipalities.⁴ The municipalities submitting in this time period represent a sample of HUD grant recipients, not purposefully selected by either the authors or HUD, but determined instead by the submission dates for the AFH, which are determined in turn by the 5-year cycle of the municipalities' Consolidated Plan submissions, a schedule that was in place before the AFFH Rule was issued.⁵

Data

Consistent with literature on plan quality, we focus on the goals that municipalities put forth in their AFH and AI. We evaluate goals in two ways. First, we focus on whether a municipality has created (a) a measurable objective supported by numerical metrics or milestones that the municipality has presented to allow quantifiable evaluation of progress, and (b) a new policy or program to accomplish that objective.⁶ Second, we examine whether the goal focuses on either (a) a place-based investment to increase access to opportunity in disinvested neighborhoods or (b) support for the mobility of protected-class members to be able to access neighborhoods that already have high levels of access to opportunity. Through the evaluation of measurable objectives or new policies we seek to measure public commitment to implementation, and through the evaluation of place-based or mobility goals we seek to measure attentiveness to HUD's priorities in the AFFH Rule and to the larger principle of AFFH. The rule specifically encourages "strategically enhancing access to opportunity, including through: [t]argeted investment in neighborhood revitalization or stabilization. . . and greater access to areas of high opportunity" (Affirmatively Furthering Fair Housing, 2015). Each goal in each AFH and AI was also coded by the authors according to a variety of policy categories, listed in Table 1.

Each policy goal could be designated as falling into a single category or multiple categories (or none). For example, a policy might contain a measurable objective, propose a new policy, and advocate a place-based approach. That goal would receive a 1 in each of those categories, and a 0 in the others. Combining the goals listed in each AI and AFH for the 28 municipalities yields 590 goals in the sample, with 564 goals for those 27 out of 28 municipalities for which we have both AI and AFH.

Despite the consistent format mandated by the AFFH Rule, the goals presented in the AFH vary widely. For instance, a goal in the AFH of Richland County, South Carolina, is to "[p]romote equitable access to credit and home lending," and the associated metrics or milestones in full

Table 1. Coding categories for Analysis of Impediments to Fair Housing and Assessments of Fair Housing goals.

Category	Coding description
Metrics	
Measurable objective	Has a quantifiable metric.
New policy	Includes a specific new policy or program.
Place and mobility	
Place-based	Involves investment in high-poverty neighborhoods or abandoned properties.
Mobility	Involves mobility strategies or targets high-opportunity neighborhoods.
Other characteristics	
Affordable housing	Encourages the creation of affordable housing.
Public housing	References public housing residents or units.
Voucher	References housing voucher holders.
Zoning	References zoning or proposes zoning changes.
Displacement	References displacement or gentrification.
Regional	Calls for regional cooperation, coordination, distribution, etc.
Transportation	References improving public transportation or transit-oriented development.
Education	References improving schools or school performance.
Economic development	References workforce training, small-business assistance, or job creation.
Environmental quality	References improvements to air and water quality, or parks.
Disability	References access improvements, or discrimination or disparities based on disability.
Race or national origin	References discrimination or disparities based on race, ethnicity, or national origin.
Low income	Targets or references the needs of low-income households.
Family status	References discrimination or disparities based on family status.
Age	Targets or references the elderly.
Fair housing education	Proposes fair housing education, outreach, or enforcement.
Homeownership	Seeks to increase homeownership or create income-restricted-affordable homes.

Note. CDBG = Community Development Block Grants; FHEO = Fair Housing and Equal Opportunity; FHIP = Fair Housing Initiatives Program; ACS = American Community Survey; HUD = U.S. Department of Housing and Urban Development; CPD = Community Planning and Development; AFFH = Affirmatively Furthering Fair Housing.

are: “[s]trengthen partnerships with lending institutions; marketing to banks concerning Fair Housing and promoting Richland County’s Fair Housing logo and corresponding programs” (Richland County, 2017, p. 115). The goal itself is vague and the metrics are almost impossible to measure. It would thus be challenging at best for HUD or for local residents to assess the extent to which the county has been able to accomplish the goal.

By contrast, a goal in the AFH of Paramount, California, seeks “to promote housing accessibility for all protected classes” and sets out new policies to increase accessibility and deadlines to implement those policies, including: “[a]mend the Zoning Ordinance to permit ‘second units’ by right in all residential zones,” and “[a]mend the City’s Zoning Ordinance...to include licensed residential care facilities serving six or fewer persons as a permitted use by right in all residential zones” (City of Paramount, 2016, p. 56). The goal goes on to list several additional amendments to the zoning code and other policy changes that can contribute to affordable housing. These zoning or policy changes have explicit deadlines so progress can easily be tracked.

Similarly, New Orleans, Louisiana, sets out many goals with measurable metrics in multiple areas, including affordable housing and homeownership. For example, one goal sets out specific numbers of affordable units it proposes to build in neighborhoods with low poverty rates and high levels of access to opportunity: “Create 140 affordable rental units on HANO’s [Housing Authority of New Orleans] scattered site property in high opportunity areas in Bywater and Uptown by 2021” (City of New Orleans and Housing Authority of New Orleans, 2016, p. 126). Another sets out a concrete objective for increasing homeownership among Section 8 voucher recipients: “Increase the number of Section 8 homeownership closings by 10% annually” (City of New Orleans and Housing Authority of New Orleans, 2016, p. 125).

These examples from Richland County, Paramount, and New Orleans are just three illustrations of different approaches to the articulation of AFH goals. But consistent with the literature on plan quality, we believe that the presence of a measurable objective or a specific new policy provides both local residents and HUD with a way to evaluate progress, and serves as an indication of local commitment to actually following through on the goal.

Table 2. Data sources.

Variable	Source
Controls	
Population	ACS 2011–2015
County	
Capacity	
CDBG funding	HUD CPD
CDBG timeliness	HUD CPD
Political context	
Conservatism	Am. Ideology Project
FHEO cases	HUD FHEO
FHIP organizations	HUD FHEO
Socioeconomic context	
Unemployment rate	ACS 2011–2015
Median household income	ACS 2011–2015
College graduates (%)	ACS 2011–2015
Heterogeneity and segregation	
Black–white dissimilarity	HUD AFFH Tables
Latino–white dissimilarity	HUD AFFH Tables
White non-Hispanic (%)	ACS 2011–2015
Black non-Hispanic (%)	ACS 2011–2015
Latino (%)	ACS 2011–2015
High-cost	
Median home value	ACS 2011–2015
Median gross rent	ACS 2011–2015
Vacancy rate	ACS 2011–2015
Share renters	ACS 2011–2015

Note. CDBG = Community Development Block Grants; FHEO = Fair Housing and Equal Opportunity; FHIP = Fair Housing Initiatives Program; ACS = American Community Survey; HUD = U.S. Department of Housing and Urban Development; CPD = Community Planning and Development; AFFH = Affirmatively Furthering Fair Housing.

Table 3. Descriptive statistics of the first 28 municipalities to file an Assessment of Fair Housing.

	Min.	Mean	Max.
Controls			
Population	43,267	300,241	1,555,072
County		0.29	
Capacity			
CDBG funding	474,148	3,701,544	39,046,238
CDBG timeliness*	0.25	1.17	1.59
Political context			
Conservatism	-0.87	-0.115	0.42
FHEO cases	0.64	3.69	12.84
FHIP organizations	0.00	0.54	7.00
Socioeconomic context			
Unemployment rate	5.18	9.19	15.48
Median household income	25,635	49,751	85,976
College graduates (%)	0.08	0.29	0.59
Heterogeneity and segregation			
Black–white dissimilarity	0.18	0.47	0.76
Latino–white dissimilarity	0.15	0.40	0.63
White non-Hispanic (%)	0.05	0.54	0.90
Black non-Hispanic (%)	0.01	0.17	0.59
Latino (%)	0.04	0.21	0.80
High-cost			
Median home value	85,900	215,518	552,600
Median gross rent	686	977	1,557
Vacancy rate	0.04	0.11	0.24
Share renters	0.25	0.45	0.64

Note. CDBG = Community Development Block Grants; FHEO = Fair Housing and Equal Opportunity; FHIP = Fair Housing Initiatives Program.

In addition to the characteristics of the goals gathered from the AFH and AI, we collected additional information about municipal-level characteristics. These variables and their sources are summarized in [Table 2](#).

To estimate local capacity, we gathered data on the size of each municipality's 2015 grant from HUD's CDBG program. We also created an average of HUD's Performance Profile measure of the timeliness of the use of CDBG funding for each municipality over the years 2013–2015 ("CDBG Performance Profiles," n.d.).

To measure the social and political context, we used measures of local political ideology, the presence of fair housing organizations in the municipality, fair housing complaints per capita, the unemployment rate, median household income, the share of college graduates, the local demographic composition, and segregation. To measure local political ideology, we looked to the estimates created by Chris Tausanovitch and Christopher Warshaw that are publicly available through the American Ideology Project. The estimates of city- and county-level political liberalism or conservatism are calculated using item response theory and multilevel regression and poststratification based on responses to the Annenberg National Election Study and the Cooperative Congressional Election Study from 2000 to 2011. Using HUD's data on grantees from the Fair Housing Initiatives Program (FHIP) from 2012 to 2014, we created a continuous variable counting the number of organizations receiving funding in each of those three years in a given municipality. Using data regarding complaints filed with the Fair Housing and Equal Opportunity section of HUD between January 2006 and December 2016, we calculated a county-level per-capita rate of fair housing lawsuits over the decade. We used data on municipal unemployment rates, incomes, share of college graduates, and demographic composition from the 2011–2015 American Community Survey. To gauge the role that local levels of segregation may play in shaping local fair housing policies, we used data on levels of black–white and Latino–white segregation (measured by the dissimilarity index) from the online tool HUD created pursuant to the AFFH Rule.

Fair housing policies also intervene in housing markets, and housing markets vary widely by locality and by region. We might expect high-cost cities facing affordability crises to adopt different

strategies than low-demand ones (Been et al., 2019), and therefore included several measures to identify the role that housing costs might play in shaping responses to segregation. From the 2011–2015 American Community Survey, we included median home values, median gross rents, the share of occupied units that are occupied by renters, and the share of units that are vacant.

As Table 3 illustrates, the first 28 municipalities to submit AFH represent a wide cross section of the country, from Fort Pierce, Florida (population 43,000), to Philadelphia, Pennsylvania (population 1.6 million). Median household incomes ranged from \$26,000 in Fort Pierce to \$86,000 in Chester County, Pennsylvania. Demographic composition varied widely, from Lake County, Ohio, which is 90% white non-Hispanic, to cities such as Paramount, where 80% of the population identifies as Latino, and New Orleans, where 59% identify as black. Levels of black–white and Latino–white segregation also varied widely, from lows in Victorville, California (0.18 and 0.15, respectively), to highs in Philadelphia (0.76 and 0.63, respectively). According to the American Ideology Project score, the most liberal municipality in the sample is Seattle, Washington, and the most conservative is Springdale, Arizona.

Methods

To analyze the difference between the AFH program and the AI program in the likelihood of any given goal having a measurable objective or new policy or a mobility- or place-based initiative, we use a multilevel logistic regression. Because the goals are nested within plans (either AFH or AI), which are then nested within municipalities, it is a three-level model. The dependent variable is whether a goal has a numerical metric or includes a new policy, and the primary independent variable of interest is whether the goal was submitted as part of an AI or an AFH.

To identify any significant differences between municipalities with a high versus a low number of goals with measurable objectives or new policies in their AFH, we conducted *t*-tests, since the sample of municipalities at this point is small. We first divided the 28 municipalities into two groups: those above and those below the median number of goals with measurable objectives and new policies. Subsequently, we divided the municipalities into roughly the top and bottom tercile performers in terms of the number of goals with measurable objectives or new policies. We conducted a second set of *t*-tests looking at those municipalities above and below the median number of goals focusing directly on addressing segregation and disparities in access to opportunity, through either mobility strategies or place-based strategies. Finally, we also included a *t*-test grouping municipalities into those that were especially high- and low-performing in the number of goals addressing segregation and disparities in access to opportunity.

III. Results

Program Level

Table 4 presents the average share of goals of each type, by AI or AFH submission. Of all goals in all AI, only 5% contained a measurable objective or included a new policy. By contrast, 33% of all goals in the AFH contained a measurable objective or new policy, an increase of 28 percentage points. From the AI to the AFH, goals describing place-based investments increased by 11

Table 4. Goal characteristics by Analysis of Impediments to Fair Housing (AI) or Assessments of Fair Housing (AFH) program.

Goal characteristic	Overall AI percentage	Overall AFH percentage
Measurable objective, new policy, or both	5	33
Measurable objective only	3	23
New policy only	1	12
Place based	4	15
Mobility	4	13

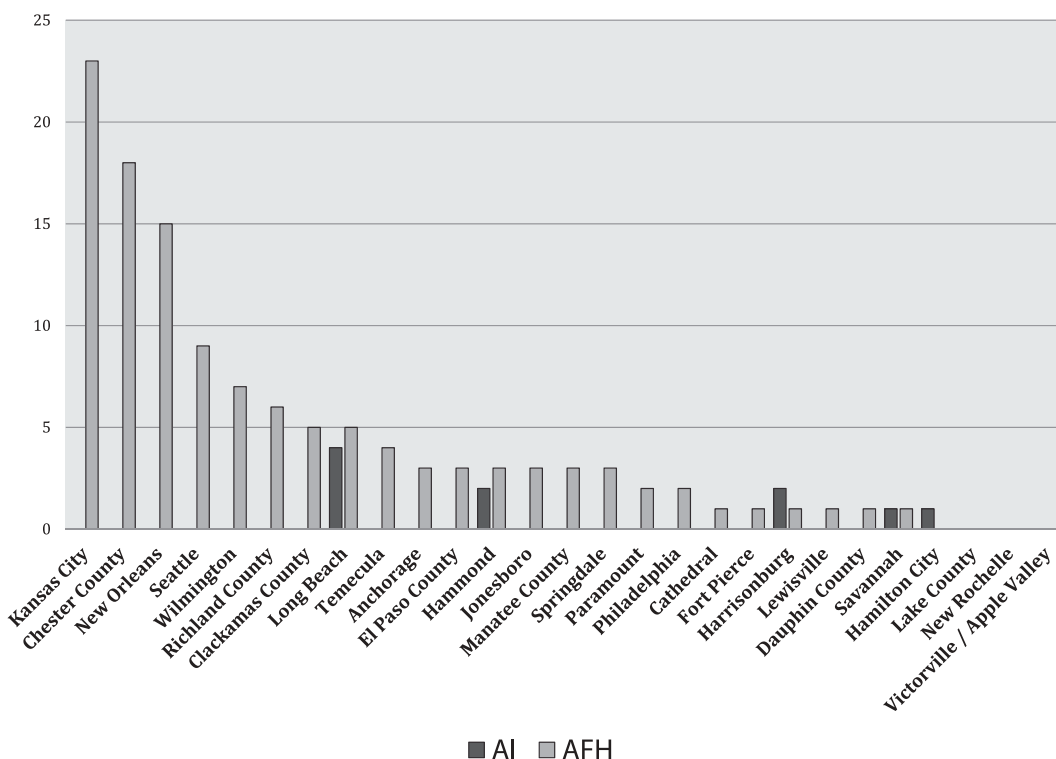


Figure 1. Number of goals with measurable objectives or new policies by program.

AFH = Assessments of Fair Housing. AI = Analysis of Impediments to Fair Housing.

percentage points and mobility investments increased by 9 percentage points. Overall, these findings suggest that municipalities in their AFH are proposing more new policies with more measurable objectives that focus on the stated goals of the AFFH Rule when compared with their prior AI.

In addition to examining overall trends in the types of goals proposed in the AI and AFH, we examined how each municipality's goals have changed from the AI to AFH processes. [Figure 1](#) depicts the number of goals with a measurable objective or a new policy in the AI and AFH, by municipality. As [Figure 1](#) illustrates, most municipalities did not have a single goal meeting this criteria in their AI. [Figure 1](#) also indicates that almost all municipalities have plans with a significantly larger number of measurable objectives or new policies in their AFH compared with their AI. Of the 28 municipalities, only Harrisonburg, Virginia, and Hamilton City, Ohio, had fewer goals with measurable objectives or new policies in their AFH than in their AI.

An illustrative example of change in goals in one municipality from the AI to the AFH can be seen in El Paso County, Colorado. In El Paso County's [2009 AI](#), one goal was to "[e]mpower people through educational materials to help them avoid becoming a victim [of predatory and unfair lending practices]" by "[p]rovid[ing] online information and training to increase knowledge of existing and potential homeownership and lending practices" (El Paso County, [2009](#)). The county did not give any metrics to measure progress in empowering people to avoid unfair lending or ensuring the information was readily accessible. In its 2016 AFH, by contrast, the county committed to "assist[ing] with the development of 100 publicly supported affordable housing units in areas of opportunity" (El Paso County, [2016](#)). Unlike the AI goal, this AFH goal includes at least some metric for the public to assess progress: the construction of 100 publicly subsidized affordable housing units by 2021 in parts of the county with higher levels of access to opportunity.

Table 5. Correlates of measurable objectives or new policies in Analysis of Impediments to Fair Housing (AI) or Assessments of Fair Housing (AFH) goals.

	Logistic regression odds ratios	
	AFH (1)	AFH and independent variables (2)
Measurable objective or new policy		
Assessment of Fair Housing	21.34*** (12.27)	17.50*** (7.010)
Population (ln)		1.874 (0.720)
Place based		3.014*** (0.971)
Voucher		0.543 (0.255)
Mobility		2.125 (0.827)
Median household income		1.000 0.00
College graduate		1.016 (0.032)
CDBG grant (ln)		0.530 (0.213)
Conservatism		10.15* (11.07)
FHEO cases		4.489* (2.672)
FHIP organization		1.140 (0.109)
Unemployment rate		1.259 (0.165)
Black–white dissimilarity		0.986 (0.0193)
Median home value		1.000** (0.000)
Median gross rent		0.997 (0.003)
Vacancy rate		1.018 (0.0519)
Share renters		1.021 (0.0322)
Observations	564	564

Note. Exponentiated coefficients; standard errors in parentheses. CDBG = Community Development Block Grants; FHEO = Fair Housing and Equal Opportunity; FHIP = Fair Housing Initiatives Program.

* $p < .05$, ** $p < .01$, *** $p < .001$.

To examine this relationship more rigorously, we use a multilevel logistic regression to estimate the relationship between the shift from the AI to the AFH program and the likelihood of a goal having either a measurable objective or a new policy. Consistent with the descriptive statistics above, model 1 in Table 5 reveals a dramatic increase in the odds of measurable objectives and new policies in the AFH program.

After including controls for both goal and municipal level characteristics in model 2, the highly significant and close relationship between AFH and measurable objectives and new policies remains. Place-based goals are associated with a higher likelihood of having a measurable objective or new policy. Compared with their AI filing, conservative municipalities and those with a higher per-capita number of fair housing complaints filed with HUD between 2006 and 2016 are more likely to have goals with measurable objectives in their AFH.⁷

Looking to the text of the AI and AFH, one can see this shift from AI with nebulous goals to AFH with more concrete objectives. For example the AI from Temecula, California, included action items stating that the “city should invest in community projects in low-income areas”—without any further details on a target for a level of investment, relevant types of investment, or locations of

Table 6. Share of Assessments of Fair Housing (AFH) goals containing measurable objectives or new policies in AFH.

Goal characteristic	Total goals	Goals with only a measurable objective	Goals with only a new policy	Goals with both a measurable objective and new policy	Goals with a measurable objective or new policy or both (%)
Place based	56	16	5	5	46
Mobility	48	10	6	3	40
Affordable housing	111	35	13	5	48
Public housing	29	5	1	1	24
Voucher	36	8	1	1	25
Zoning	24	3	10	1	58
Displacement	14	5	0	0	36
Regional	24	4	5	0	38
Transportation	30	3	1	1	17
Race or national origin	26	7	2	1	38
Low income	39	5	4	0	23
Economic development	39	9	2	0	28
Environmental quality	18	4	3	0	39
Disability	53	15	5	3	43
Family status	4	1	0	0	25
Age	7	2	0	0	29
Fair housing education	67	14	4	0	27
Homeownership	40	14	3	3	50

investment. It also said that the city should “add fair housing information on its website”—without setting an objective for how to evaluate the translation of that additional information into better outcomes for residents (City of Temecula, 2016, pp. 5, 33). Temecula’s 2016 AFH, by contrast, included goals such as “amend Title 17 of the Municipal Code to...establish an Affordable Housing Overlay on at least 100 acres” allowing multifamily uses by right, without a conditional use permit, by June 30, 2018, and “[e]nter into an exclusive negotiating agreement with a developer to allocate \$12.4 million in remaining affordable housing Tax Allocation Bond proceeds to create or rehabilitate an estimated 100 affordable housing units” in census tracts that do not have high poverty rates (City of Temecula, 2016).

The regression in Table 5 suggests that some types of goals (place-based or mobility goals) are more likely to have a measurable objective or new policy than others. Table 6 presents the total number of goals in the 28 AFH that fall into eight common goal types and then the share of those goal types that also have a measurable objective or new policy.

Forty percent or more of goals that focused on zoning, affordable housing, place-based investments, and mobility programs also had a measurable objective or included a new policy, indicating that these were areas in which municipalities are particularly likely to make public commitments to implementation. As the El Paso County and Temecula examples suggest, numerical metrics for the creation of new affordable housing units in high-opportunity neighborhoods or the rehabilitation of existing units in underinvested neighborhoods were relatively common, and zoning changes often proposed specific new policies.

Moving from the goal level to the municipal level, we conducted *t*-tests to see whether municipal-level characteristics measuring local capacity, local motivation or political context, and housing market characteristics have any relationship to the robustness of the AFH goals. Table 7 divides municipalities based on those above and below the median number of goals in their AFH that have measurable objectives or new policies. The *t*-test indicates that municipalities with a higher share of college-educated residents are significantly more likely than others to have more goals with measurable objectives or new policies.

Table 8 divides the municipalities into rough terciles and presents the results of *t*-tests for those in the top and bottom tercile of numbers of goals with measurable objectives or new policies. The difference in the share of college-educated residents is even more significant between these two

Table 7. T-tests above and below median measurable objectives or new policies.

	Below median (<i>n</i> = 12)	Median and above (<i>n</i> = 16)
Controls		
Population	230,372	352,643
County	0.17	0.38
Capacity		
CDBG funding	4,251,752	3,288,887
CDBG timeliness	1.15	1.19
Political context		
Conservatism	– 0.14	– 0.10
FHEO cases	0.31	0.41
FHIP organizations	0.33	0.69
Socioeconomic context		
Unemployment rate	10	8
Median household income	45,848	52,678
College graduates (%)	24*	34*
Heterogeneity and segregation		
Black–white dissimilarity	46	48
Latino–white dissimilarity	42	39
White non-Hispanic (%)	48	59
Black non-Hispanic (%)	19	17
Latino (%)	27	15
High cost		
Median home value	190,042	234,625
Median gross rent	967	985
Vacancy rate	12	10
Share renters	48	43

Note. CDBG = Community Development Block Grants; FHEO = Fair Housing and Equal Opportunity; FHIP = Fair Housing Initiatives Program.

* $p < .05$.

Table 8. T-tests top and bottom tercile measurable objectives or new policies.

	Bottom tercile (<i>n</i> = 10)	Top tercile (<i>n</i> = 9)
Controls		
Population	115,437	387,141
County	0.2	0.333
Capacity		
CDBG funding	1,113,502*	4,492,837*
CDBG timeliness	1.17	1.32
Political context		
Conservatism	– 0.10	– 0.28
FHEO cases	0.32	0.45
FHIP organizations	0.30	0.78
Socioeconomic context		
Unemployment rate	10	9
Median household income	46,613	53,938
College graduates (%)	25**	38**
Heterogeneity and segregation		
Black–white dissimilarity	44	52
Latino–white dissimilarity	41	41
White non-Hispanic (%)	54	57
Black non-Hispanic (%)	17	20
Latino (%)	23	13
High cost		
Median home value	187,290	282,600
Median gross rent	949	1,062
Vacancy rate	12	10
Share renters	47	45

Note. CDBG = Community Development Block Grants; FHEO = Fair Housing and Equal Opportunity; FHIP = Fair Housing Initiatives Program.

* $p < .05$, ** $p < .01$.

Table 9. T-tests above and below median for mobility and place-based investments.

	Below median (<i>n</i> = 11)	Above median (<i>n</i> = 17)
Controls		
Population	188,398	372,610
County	0.27	0.29
Capacity		
CDBG funding	1,057,554	5,412,361
CDBG timeliness	1.19	1.16
Political context		
Conservatism	0.03*	– 0.21*
FHEO cases	0.27	0.43
FHIP organizations	0.27	0.71
Socioeconomic context		
Unemployment rate	9	10
Median household income	52,244	48,138
College graduates (%)	28	30
Heterogeneity and segregation		
Black–white dissimilarity	42	51
Latino–white dissimilarity	38	42
White non-Hispanic (%)	59	51
Black non-Hispanic (%)	10*	23*
Latino (%)	22	19
High cost		
Median home value	240,827	199,141
Median gross rent	1,043	934
Vacancy rate	9	12
Share renters	46	45

Note. CDBG = Community Development Block Grants; FHEO = Fair Housing and Equal Opportunity; FHIP = Fair Housing Initiatives Program.

* $p < .05$.

Table 10. T-tests top and bottom tercile for mobility and place-based investments.

	Bottom tercile (<i>n</i> = 11)	Top tercile (<i>n</i> = 9)
Controls		
Population	188,398*	539,816*
County	0.27	0.22
Capacity		
CDBG funding	1,057,554*	9,136,568*
CDBG timeliness	1.19	1.28
Political context		
Conservatism	0.03*	– 0.31*
FHEO cases	0.27	0.50
FHIP organizations	0.27	1.22
Socioeconomic context		
Unemployment rate	9	9
Median household income	52,244	51,060
College graduates (%)	28	36
Heterogeneity and segregation		
Black–white dissimilarity	42**	60**
Latino–white dissimilarity	38	46
White non-Hispanic (%)	59	52
Black non-Hispanic (%)	10*	25*
Latino (%)	22	15
High cost		
Median home value	240,827	239,822
Median gross rent	1,043	968
Vacancy rate	9	11
Share renters	46	47

Note. CDBG = Community Development Block Grants; FHEO = Fair Housing and Equal Opportunity; FHIP = Fair Housing Initiatives Program.

* $p < .05$, ** $p < .01$.

sets of municipalities, and higher levels of CDBG funding are also associated with more goals with measurable objectives or new policies.

Continuing to examine municipal-level characteristics, we analyzed the municipalities above and below the median number of mobility and place-based goals in their AFH. These place-based and mobility goal types represent the core of the balanced approach HUD presented in the AFFH Rule to address disparities in access to opportunity. The *t*-test results presented in [Table 9](#) indicate that those municipalities with more conservative public opinions on average are less likely to support mobility and place-based goals, and municipalities with a larger share of black residents were more likely to propose plans with these types of goals.

[Table 10](#) examines the 20 municipalities with the highest and lowest numbers of mobility and place-based goals. Again, more mobility and place-based goals are strongly associated with liberal local ideologies and the share of local residents who identify as black. Additionally, higher levels of black-white segregation and higher levels of CDBG funding were also associated with a larger number of these place-based and mobility goals in their plans, as were municipalities with larger populations.

Case Studies

To contextualize these findings, we add brief descriptions of goals from four municipalities that represent a variety of city types: Seattle, a large, high-capacity city; the Kansas City region of Missouri and Kansas, the first regional AFH submission; Philadelphia, a large, highly segregated city; and Chester County, Pennsylvania, an affluent, high-capacity suburb.

Seattle's large numbers of new policies and measurable objectives, as well as the focus of many of the goals on place-based investments, are consistent with findings in [Tables 7–10](#), as Seattle is a city with characteristics consistent with high levels of both capacity and motivation. Seattle is large (653,000 people) and high-cost (\$453,000 median home value), and has a highly educated population (59% of adults have a bachelor's degree or more). Seattle's AFH identifies three primary fair housing issues: "to create opportunities for housing mobility for those who may wish to leave a R/ECAP [Racially or Ethnically Concentrated Area of Poverty], protect those who wish to stay in Seattle from further risk of displacement, and finally to correct inequities in access to community infrastructure and assets" (City of Seattle and Seattle Housing Authority, [2017](#), p. 6). The AFH draws on Seattle's preexisting Race and Social Justice Initiative and focuses extensively on increasing the affordability of housing and preventing displacement. Some of the goals propose new policies to expand the supply of affordable housing in neighborhoods where residents are at high risk of displacement, such as piloting city bond financing for affordable housing or advocating for a state preservation tax exemption to incentive landlords to preserve affordable housing. Other goals include promoting equitable development by rehabilitating existing public housing and expanding the subsidized housing stock, such as the goal of replacing all of the 561 existing public housing units at the Yesler Terrace development and creating 100 additional homes serving those with incomes below 30% of the area median income (AMI); 290 new homes serving those with incomes between 30% and 50% of AMI; 850 new homes serving those with incomes between 50% and 80% of AMI; and 1,200 to 3,200 market-rate homes (City of Seattle and Seattle Housing Authority, [2017](#), p. 376).

The Kansas City region submitted the first AFH written at a regional level including both Kansas City, Missouri and Kansas City, Kansas, together with Blue Springs, Missouri; Independence, Missouri; and Leavenworth, Kansas. The five cities collaborated on a regional analysis and together identified 15 shared regional goals, as well as 59 additional municipal goals. Regional goals included: developing a model zoning code to facilitate the construction of smaller homes on smaller lots and four- to 12-unit multifamily buildings across the region; bringing together the housing authorities in the region to open up housing choice for members of protected classes through a shared approach to voucher utilization; and developing a regional housing locator service to enable voucher holders to access a wider variety of units in a broader set of neighborhoods (Mid-America Regional Council, [2016](#)). These regional and mobility goals highlight some of

the ways in which the AFH process can encourage collaboration among cities in a region to improve access to opportunity.

Philadelphia, the largest city in the sample (1.6 million people), is highly segregated (a black–white dissimilarity score of 0.76), has a relatively low share of residents with a bachelor's degree or more (25%), has a low median household income (\$38,000) and has moderate median home prices (\$145,000). Many of Philadelphia's goals focused on promoting a coordinated approach to place-based investment in areas struggling with high poverty rates, whereas others focused on preserving and developing affordable rental housing, expanding mobility counseling for voucher holders, and increasing affordable homeownership opportunities. Philadelphia's AFH reflects a commitment to community participation, is rich in detail, and expresses significant concerns about displacement (City of Philadelphia and the Philadelphia Housing Authority, 2016). Overall, however, the plan is low on concrete new policies or the commitments to measurable objectives and timelines called for by the AFFH rule. Measures of motivation or political opportunity for Philadelphia are high, potentially explaining its large number of place-based goals, but some measures of local capacity are low, potentially related to its low number of goals with new policies or numerical metrics.

Chester County is a high-income (\$86,000 median household income) suburban county (510,000 people) whose population is more than 80% white non-Hispanic. Among the 28 first AFH filers, the county had the second highest number of goals with measurable objectives or new policies. One example of Chester County's goals was to "provide more diverse housing opportunities and encourage mobility among low-income residents living in areas of poverty" (p. 52). Chester County proposed to accomplish this goal by creating a Small Area Fair Market Rent program to enable Housing Choice Voucher holders to access units in lower poverty neighborhoods with higher rents; by developing a new educational protocol to be used by housing agency staff when processing new voucher holders to ensure they are aware of neighborhood options; by providing a minimum of two allocations of project-based vouchers for a total commitment of 35 units of affordable housing in areas of high opportunity; and by decreasing the share of the county's voucher holders living in high-poverty tracts from 43.9% to 39% of the total vouchers under issuance and lease (Chester County, 2012). This is an example of a community that seems to score relatively low on measures of perceived motivation or political opportunity, but in which capacity is high and municipal staff have produced an AFH with many public commitments to concrete steps to advance fair housing.

IV. Discussion

Our analysis makes three primary contributions to understanding fair housing policy in the context of metaregulations such as the 2015 AFFH Rule. First, conducting the first comparison of the AFH filed under the 2015 AFFH Rule with the AI previously filed, it finds that the AFFH Rule is associated with significantly more goals with measurable objectives or goals representing new policies than is the AI regime. On the one hand, this may be unsurprising, given the lack of regulation or enforcement under the AI process. And perhaps we should ask instead why so few AFH goals actually have measurable objectives or new policies despite the requirements of the AFFH Rule. On the other hand, given the widespread failure of the AI process, the current political context, and the lack of strong enforcement mechanisms in the AFFH Rule, there was real uncertainty regarding whether municipalities would put forward robust plans to comply with the AFFH Rule at all. In that sense, this finding that municipalities are submitting plans with more concrete goals and new policies than under the AI regime is significant.

Second, analyzing municipal characteristics associated with more robust AFH goals we find that measures of local capacity, specifically the amount of local CDBG funding, are associated with a larger number of measurable objectives or new policies to advance fair housing. As noted above, the literature on metaregulation indicates the importance of local capacity in the quality of compliance with regulation. Increased CDBG funding logically implies more resources for

government capacity in housing and community development departments. Additionally, higher levels of college-educated residents are associated with a larger number of measurable objectives or new policies to advance fair housing.

Third, analyzing municipal characteristics associated with a greater focus on supporting mobility or investing in concerted neighborhood revitalization efforts we find that several measures of local motivation are significant, specifically more liberal local public opinion, a higher share of black residents, and higher levels of black–white segregation, as well as measures of local capacity, specifically larger CDBG amounts. The association of these political and demographic factors with more mobility and place-based goals merits further exploration. Whereas more liberal public opinion might indicate an increased willingness to address fair housing concerns, the Fair Housing Act was often opposed even in liberal cities. In the words of Senator Mondale, one of the Fair Housing Act’s sponsors, it “came right to the neighborhoods across the country. This was civil rights getting personal” (Hannah-Jones, 2015). Higher levels of segregation in cities with more mobility and place-based policies also indicate that cities with more significant fair housing problems may be more likely to attempt to address the disparities in access to opportunity associated with segregation.

This study reveals several issues for further research. Although we attempted to measure local advocacy capacity through the presence of FHIP-funded groups, often other grassroots community organizations, such as tenants’ coalitions or racial and economic justice advocacy organizations, helped drive community engagement. For instance, active community advocacy was reportedly a key factor in creating more specific and ambitious goals in places such as New Orleans, especially through the involvement of the FHIP-funded Greater New Orleans Fair Housing Action Center, or Los Angeles, through the non-FHIP funded Alliance of Californians for Community Empowerment, and future research should try to capture more effectively the importance of community mobilization. Further, both HUD and private foundations, particularly the Ford Foundation and the Open Society Foundations, provided significant technical assistance to some of the early AFH through organizations such as the Lawyers Committee for Civil Rights, the Enterprise Community Foundation, the Urban Institute, Abt Associates, PolicyLink, and others. Different forms of technical assistance likely affected the quality of AFH, and it would be valuable for future research to capture more information about the types of technical assistance each recipient received. Similarly, some of the AFH were prepared by private for-profit or nonprofit consultants hired by the municipality, and future research could assess the role that different consultants may play in shaping plan quality. Finally, the innovation in regional plans and the challenges involved in finding common ground between central cities and surrounding suburbs is an exciting area to examine in more detail.

The Trump administration has rescinded numerous Obama-era regulations in areas from finance to the environment (Lipton & Appelbaum, 2017; Metzger, 2017). Fair housing has been not been spared. First, HUD sought to delay implementation of the Small Area Fair Market Rule (Reina, Acolin, & Bostic, 2019) but was blocked by federal courts. Then, on January 5, 2018, HUD suspended the AFFH Rule until October 31, 2020. After HUD’s suspension of the rule was challenged in federal court as a violation of the Fair Housing Act and the Administrative Procedures Act, HUD rescinded the suspension and instead withdrew the AFFH tool on which the rule relies. HUD suggested that program participants needed additional time and technical assistance to adjust to the new AFFH process, and stated that participants struggled to meet community participation requirements, to develop effective goals to further fair housing, and to develop metrics and milestones that would clearly measure their progress. There is certainly significant room for improvement in the AFH. However, as this research shows, in the articulation of meaningful goals, the creation of useful metrics, and the design of policies to accomplish those goals, what is arguably most striking about the AFFH Rule is the dramatic improvement over the prior AI regime.

More technical assistance from HUD would certainly be useful and many AFH could be more thorough and ambitious. But the fact that many AFH were initially rejected for failing to comply with the new rule is a testament to the rule’s *effectiveness* in creating more rigorous new standards,

not evidence of the rule's failure. Our findings suggest that, at least compared with the prior requirements, the AFFH Rule encouraged municipalities to create innovative strategies to address disparities in access to opportunity and to make more meaningful commitments to reduce those disparities. The extent to which these AFH plans translate into policy implementation and reductions in disparities in access to opportunity is perhaps the most pressing question for future research.

Notes

1. The Fair Housing Act prohibits discrimination on the basis of race, color, religion, sex, familial status, national origin, or disability (42 U.S.C. §§ 3604–06). Pursuant to the AFFH Rule, HUD provides data regarding segregation by race and ethnicity, family status, national origin, and disability. HUD also provides data regarding disparities by protected class in exposure to poverty, high-performing schools, access to jobs, access to public transportation, and environmental hazards (U.S. Department of Housing and Urban Development, 2015b).
2. The AFFH Rule requires HUD to accept or not accept an AFH within 60 days of submission. It provides that HUD “will not accept an AFH if HUD finds that the AFH or a portion of the AFH is inconsistent with fair housing or civil rights requirements or is substantially incomplete” (Review of Assessment of Fair Housing, 2018). Without an accepted AFH, HUD will disapprove a Consolidated Plan or a PHA Plan, prerequisites for receipt of HUD CDBG and public housing funding (Review of Assessment of Fair Housing, 2018).
3. To identify new policies, we rely on the plain language in the goal indicating a commitment to create a new policy in the immediate future. For instance, Kansas City's regional AFH committed to “implement a Health Homes Inspections program to protect rental property occupants from environmental hazards” and described in the future tense how it would find funds and work with community partners, indicating that this is a new program. Similarly, Paramount, California's AFH stated that “To better address educational outcomes and address [inter]generational poverty, the City of Paramount...will create a Youth Commission...” Here again, the future tense and the surrounding description make it clear that this is a new program. Although the focus on measurable objectives is well supported by the existing literature on plan quality (Baer, 1997; Berke & Godschalk, 2009), the emphasis on a new policy or program is a new measure of plan quality that we believe is appropriate to the evaluation of the early stages of the implementation of the AFFH Rule.
4. Based on HUD's list of submission dates, the AFH were collected by the authors either through online searches, or through direct contact with the municipality when the AFH was not available online. We were unable to obtain an AI from Dauphin County, Pennsylvania.
5. Those municipalities agreeing to conduct a joint or regional AFH can generally choose the latest date of one of the participating entities, so there is some bias in the sample against municipalities that chose joint or regional submissions.
6. Our coding does not include a measure of our perception of the substantive content of the goals, such as whether we think the new policy is likely to be successful or whether we think the measurable objective is sufficiently ambitious. Although these are certainly important aspects of an AFH's robustness, we sought measures that were capable of being consistently replicated by others.
7. We also conducted alternative estimations weighting the goals by the number of goals in that jurisdiction, and found substantially similar results.

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