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**Affirmatively Furthering Fair Housing & Site Selection
Requirements in HUD-Assisted Development**

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All HUD Federally Assisted Housing Programs

The following provisions apply to all site selection, whether it involves new construction or existing housing (with or without rehabilitation) for all HUD programs:

➤ **Civil Rights Compliance**

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968
- Executive Order 11063

➤ **Section 504 of the Rehabilitation Act of 1973**

- Physical Characteristics of the site and whether they impede the accessibility of the project for persons with disabilities.
- Proximity to accessible transit or para-transit.
- Proximity to social services, education, and employment opportunities for persons with disabilities.
- For sites with an existing project, the accessibility of the public and common use areas of the site.

All HUD Federally Assisted Housing Programs (cont'd)

➤ Affirmatively Furthering Fair Housing

- Taking meaningful actions that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.
- Addressing significant disparities in housing needs and accessing opportunities.
- Taking actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing.
- Connecting housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing.
- Requiring recipients of federal funds to make specific showings to HUD that a site complies with the requirements of the laws implementing fair housing.

§905.602 Program Requirements (Public Housing)

➤ Overall Requirements

Each proposed site to be newly acquired for a public housing project or for construction or rehabilitation of public housing must be reviewed and approved by the field office as meeting the following standards, as applicable:

- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed.
- The site and neighborhood shall be suitable to facilitating and furthering full compliance with the applicable laws

§905.602 Program Requirements (cont'd)

➤ **New Construction**

The regulations require that:

- The site for new construction shall not be located in an area of minority concentration unless:
 - There are already sufficient, comparable opportunities outside areas of minority concentration for housing minority families in the income range
 - The project is necessary to meet overriding housing needs that cannot feasibly be met otherwise in that housing market area
- The site for new construction shall not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to nonminority residents.
- Rebuilding on Former Public Housing Site.

§905.602 Program Requirements (cont'd)

- The site shall promote greater choice of housing opportunities and avoid undue concentration of assisted persons.
- The site shall be free from adverse environmental conditions, natural or manmade.
- The site shall be accessible to social, recreational, educational, commercial, and health facilities.
- The site shall be accessible to a range of jobs for low-income workers.
- The project may not be built on a site that has occupants unless the relocation requirements are met.
- The site shall not be in an area that HUD has identified as having special flood hazards.

§983.57 Site Selection Standards (Project Based Vouchers)

- **Compliance with PBV goals, civil rights requirements, and HQS**
 - The site selection policy must explain how the PHA's site selection procedures promote the PBV goals.
 - The PHA must select PBV sites in accordance with the PHA's site selection policy in the PHA administrative plan.
 - The PHA may not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an Agreement or HAP contract for units on the site.

- **Existing and rehabilitated housing site and neighborhood standards (PBV)**
 - Be adequate to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site.

§983.57 Site Selection Standards (cont'd)

- Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
- Be located where travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive.

➤ **New construction site and neighborhood standards (PBV)**

- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site.
- The site must not be located in an area of minority concentration and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

§983.57 Site Selection Standards (cont'd)

- A project may be located in an area of minority concentration only if:
 - Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration
 - The project is necessary to meet overriding housing needs that cannot be met in that housing market.
 - “Sufficient” does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration.
- Units may be considered “comparable opportunities,” if they have the same household type and tenure type.
- Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice

§983.57 Site Selection Standards (cont'd)

- Application of the “overriding housing needs” criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites
- An “overriding housing need,” however, may not serve as the basis for determining that a site is acceptable.
- The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons.
- The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate,.
- The housing must be accessible to social, recreational, educational, commercial, and health facilities and services as well as other municipal facilities and services.
- Except for new construction, housing designed for elderly persons, travel time, and cost via public transportation or private automobile from the neighborhood to places of employment, must not be excessive.

§92.202 Site and Neighborhood Standards (HOME Program)

➤ General

- A participating jurisdiction must administer its HOME program in a manner that provides housing that is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of applicable law and regulation.

➤ New rental housing

- A participating jurisdiction is responsible for making the determination that proposed sites for new construction meet the same requirements that a Project Based Voucher Program must meet.

Project Based Rental Assistance Program

- **Site and neighborhood standards that apply to RAD projects:**
 - The neighborhood must not be one that is seriously detrimental to family life or substandard dwellings or other undesirable conditions.
 - The housing must be accessible to social, recreational, educational, commercial, and health facilities and services.
 - It must meet all applicable accessibility requirements.
- **To the extent the covered project involves new construction, the following site selection requirements must also be met:**
 - The covered project may not be located in a racially mixed area.
 - If HUD determines that the covered project will be located in an area of minority concentration, additional supporting data (census data, evidence of local revitalization efforts, etc.) must be submitted.
 - The project is necessary to meet overriding housing needs that cannot be met in that housing market area.
 - An overriding housing need may not serve as the basis for determining that a site is acceptable



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