

February 14, 2006

TO: Office of Housing and Community Partnerships (OHCP) Community Development Program Award Recipients/Program Administrators and Local Fair Housing Contacts

FROM: Leslie J. Warner, Office Chief, Office of Housing and Community Partnerships

SUBJECT: Analysis of Impediments to Fair Housing Choice Guidance

This memorandum issues guidance regarding the requirement that local jurisdictions receiving Community Development Block Grant (CDBG) Program funds through the Office of Housing and Community Partnerships (OHCP) should annually update the community's Analysis of Impediments (AI) to Fair Housing Choice. The purpose of this guidance is to remind the jurisdictions, especially at the beginning of a new Community Housing Improvement Strategy (CHIS) five-year planning cycle, that it is appropriate to update their AIs to reflect the current fair housing situation in their jurisdiction.

Local governments awarded CDBG Program funds must sign a certification pledging to affirmatively further fair housing. This means implementing a fair housing program that meets or exceeds the OHCP Standard Fair Housing Program requirements. As a component of the OHCP Standard Fair Housing Program and a requirement of receiving CDBG Program funds, grantees are required to develop an AI that identifies existing conditions or barriers that limit equal opportunity in housing choice within their jurisdiction.

In its simplest form, an AI addresses the question: "Do all residents and potential residents of this jurisdiction have equal access to housing regardless of their race, color, religion, sex, national origin, disability or familial status?" If not, why not?"

"Impediments to fair housing choice" include specific actions, as well as the lack of action(s), as follows:

- any actions, omissions, or decision taken because of race, color, religion, sex, disability, familial status, or national origin, which restricts housing choices or the availability of housing choices; and
- any actions, omissions or decisions which have the **effect** of restricting housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

The AI is an analysis of a wide range of actions, existing conditions, and policies affecting housing choice, in both the private and public housing sectors and markets, and non-housing issues that affect housing choice and opportunity. It is not restricted to the design and operation of federally funded programs within the jurisdiction.

The analysis should:

- present a clear analysis of the information collected;
- identify any changes needed to correct or overcome impediments identified;
- include a specific plan of action; and
- include a timetable or schedule for the resolution of the identified problems or issues related to equal opportunity in housing.

Once the jurisdiction completes the AI, it must report on its implementation by summarizing the impediments identified in the analysis and describing the actions taken to overcome the effects of the impediments identified through the analysis in its Final Performance Report. Jurisdictions may also include actions the jurisdiction plans to take to overcome the effects of impediments to fair housing choice during the coming year in the proposed Standard Fair Housing Program submitted with an application for CDBG Program funds.

OHCP can require the submission of an AI in the event of a complaint or as part of routine monitoring. If, after reviewing all documents and data, OHCP concludes that (1) the jurisdiction does not have an AI; (2) an AI was substantially incomplete; (3) no actions were taken to address identified impediments; (4) the actions taken to address identified impediments were plainly inappropriate; or (5) the jurisdiction has no records, OHCP will notify the jurisdiction that it believes the certification to be inaccurate or not satisfactory. In connection with this review, OHCP will consider whether a recipient has made appropriate revisions to update the AI. OHCP will work with the jurisdiction to determine actions necessary to address issues raised concerning compliance with the certification. These actions may take the form of: (1) technical assistance to complete a certification; and/or (2) a special assurance that describes actions to overcome the effects of identified impediments and which includes a timetable for accomplishing these actions.

Two OHCP publications -- [Standard Fair Housing Program/Conducting an Analysis of Impediments](#) and [Analysis of Impediments Checklist](#) -- provide comprehensive guidance on how to develop an AI and a plan to overcome the identified impediments. The publications are available on OHCP's Civil Rights web link at <http://www.odod.state.oh.us/cdd/ohcp/CivilRights.htm>

Questions regarding this memorandum should be directed to Joyce Hill at (614) 466-2285.

LJW/JH