April 17, 2023

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0500

Re: Affirmatively Furthering Fair Housing: Request for Comments, Docket No. FR-6250-P-01; comments on data questions

Dear Colleagues,

These comments are submitted on behalf of the civil rights groups and researchers listed below. Our comments will focus on matters pertaining to data, mapping, analysis and the Affirmatively Furthering Fair Housing Data and Mapping Tool (henceforth "AFFH-T").

We commend HUD for creating the AFFH-T as part of the 2015 AFFH rule. The tool's constituent files, tables and maps use data from the U.S. Census Bureau and other sources, and provide key insight into demographics, housing conditions, segregation and disparities in access to opportunity. These data and tools analytically grounded the prior Assessment of Fair Housing (AFH) process by providing an empirical basis for each grantees' policy goals and strategies. Furthermore, the HUD-provided data and maps were often helpful in spurring further analyses that could be performed by the grantee with local data. And, the information from the AFFH-T was useful in the AFH community engagement process, particularly as discussion prompts.

However, while the AFFH-T has been a helpful resource, this letter enumerates several important considerations aimed at improving the data, tables and maps as well as the platforms by which they are accessed by users.

1. Concerns about performance of AFFH-T and visual legibility of maps

a. The AFFH-T online platform suffers from subpar performance in various ways. While ESRI is excellent for complex analysis and static mapping, it works less well as a data visualization tool. Some maps (e.g. Limited English Proficiency and National Origin) fail to load or load slowly, which appears due to how the AFFH-T renders large shapefiles and the data files behind them.

b. Maps on the AFFH-T are too frequently visually difficult to read in ways that hinder their analytical usefulness. Dots and shading are often not legible in a way that is useful for discerning patterns and for informing policy goals. As noted in PRRAC's December 2020 policy brief[1] (henceforth referred to as "*PRRAC 2020*"):

> *Index levels are shown in a greyscale color scheme that is sometimes difficult to see. Other maps (such as the maps depicting familial status) are often hard to*

[1] Megan Haberle, Peter Kye, and Brian Knudsen, "Reviving and Improving HUD's Affirmatively Furthering Fair Housing Regulation: A Practice-Based Roadmap," Poverty & Race Research Action Council, December 2020, http://www.prrac.org/pdf/improving-affh-roadmap.pdf, pp.12.

interpret, especially in dense urban areas because it can be difficult to distinguish between different data points. Certain data on protected class groups are also unavailable on both a local and regional level since the tool only shows the most populous groups at each level.

In addition, AFFH-T has hardcoded limits on symbology which limits the ability to selectively edit elements as the user makes specific selections. This too results in an overly complex look. These shortcomings limit the usability of the maps and have led to some larger and more well-resourced jurisdictions using in-house mapping/analytics teams to generate their own custom maps as a replacement.

c. Also related to map illegibility, and as noted in *PRRAC 2020* (pp.12), the AFFH-T print function is especially flawed:

> *Because the print function is the only way to print and view certain maps, technical issues in the function can cause issues. There are frequently errors when using the print function. For instance, the [print function] did not permit the user to print single race/ethnicity or single national origin data overlaid on opportunity dimensions. Instead, the printed map would default back to showing all races/ethnicities or all national origins. Additionally, the [print function] does not always display all of the available detailed tract-level information. Detail that was visible on the main mapping screen would for some reason be lost when one used the print tool. This makes it harder to capture granular information at the neighborhood level. HUD must revise the print function and make changes to help the public better understand what maps are displaying.*

HUD should address these performance and data visualization concerns, perhaps by shifting to another platform that can display dynamic maps that are simpler and faster than ESRI while also simultaneously providing relevant summary statistics.[2]

2. ***Concerns about existing AFFH-T data, indicators, and tables***

a. Up-to-date data are necessary to assist program grantees evaluate housing conditions on the ground. HUD provides a considerable amount of data, but much of it is outdated and therefore of diminished analytical value. HUD should ensure that tables and maps reflect internal administrative housing data that is as recent as possible and should also use the most recent vintage of American Community Survey data as has been released.

b. As mentioned in *PRRAC 2020* (pp.12), HUD should continue to publicly release all AFFH raw data files.

> *These files, which contain all of the indicators and indices that HUD computes at various levels of geography, are an excellent resource for researchers and analysts. However, in the interest of full transparency as well as research replicability, HUD should also make publicly available the code that they use to*

[2] Policymap (https://www.policymap.com/) is a good example of a high-performing online platform. A high performing and publicly available platform is the Indiana Housing Dashboard, here: https://www.in.gov/ihcda/dashboard/. Any revised platform should of course also continue to offer downloadable reports and CSV files.

generate these indicators and indices. Additionally, HUD should make available the input data files that they employ with their code to generate these indicators/indices. Ideally, HUD would have a public repository that they would use to provide their code, input data sources, and final files of indicators/indices.

c. HUD's opportunity metrics should be reconceptualized and revised, since (as described in *PRRAC 2020* (pp.12)) they

> *frequently fail to depict patterns of differences across census tracts within jurisdictions or regions. This is often especially true for transportation, jobs proximity, and environmental health indices, where index values (1) are often close in magnitude (or identical) across tracts in jurisdictions/regions, or (2) display something close to random patterns across tracts.*

d. HUD should assemble and provide data that reflect as closely as possible the definition of "community assets" provided on page 8558 of the proposed rule.[3]

e. HUD should supply publicly supported housing statistics, tables and maps that are specific to each Public Housing Agency (PHA), *in addition to* the aggregate data that is currently displayed. For instance, in areas with more than one PHA administering Housing Choice Vouchers, the absence of PHA-specific data on voucher concentration makes the current AFFH-T less useful for the PHA to assess its own baseline data and to develop goals.

f. Census tract poverty rate information should be added to publicly supported housing maps, especially on the tooltip that appears when clicking on specific tracts.

g. In the LIHTC development-level data on the publicly supported housing maps, HUD should indicate whether developments are family or senior properties, as the disparity in locations of these different property types often have fair housing implications.

h. In addition to the AFFH-T Data Documentation[4], HUD should provide a plain language guidebook for grantees that offers clearer explanations for complex and hard-to-understand concepts, such as the dissimilarity index, and which would help users better interpret data tables and maps.

i. HUD should format all AFFH-T tables so that they can be easily and directly inserted into a standard Microsoft Word document in portrait orientation.

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[3] "Community assets means programs, infrastructure, and facilities that provide opportunity and a desirable environment. Examples of community assets include: high performing schools (as well as quality daycare and childhood educational services), desirable employment opportunities, efficient transportation services, safe and well-maintained parks and recreation facilities, well-resourced libraries and community centers, community-based supportive services for individuals with disabilities, responsive emergency services (including law enforcement), healthcare services, environmentally healthy neighborhoods (including clean air, clean water, access to healthy food), grocery stores, retail establishments, infrastructure and municipal services, banking and financial institutions, and other assets that meet the needs of residents throughout the community. See page 8558 of the proposed rule, here: https://www.govinfo.gov/content/pkg/FR-2023-02-09/pdf/2023-00625.pdf.

[4] For instance, see https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0006-July-2020.pdf

3. ***Should HUD provide static data packages?***

a. The proposed rule (pp. 8535) includes the following passage:

> "*HUD is contemplating developing a flexible data tool for comparing the locations and demographics of publicly supported housing with patterns of segregation and R/ECAPs. A version of this tool is currently available in the AFFH–T Data & Mapping Tool, in the 'Query Tool' option, and HUD would welcome feedback on potential improvements to this functionality.*"

We support the further development and elaboration of the current AFFH-T "Query Tool", especially to facilitate analysis of publicly supported housing. HUD should seek to add racial/ethnic information of LIHTC properties to the query tool. In addition, HUD could create a separate tool that would compare characteristics (poverty rate, race/ethnic composition) of the census tracts in which a PHA's (and jurisdiction's) Housing Choice Vouchers are located to the same locational characteristics of all rental units or affordable units in that PHA service area and/or jurisdiction.

b. Whereas many large-population grantees had experience with data analysis and often dedicated staff, by contrast smaller jurisdictions struggled with this portion of the AFH process. With an eye to further assisting these smaller metros, HUD could create and provide standardized profiles with key data already analyzed, organized and interpreted. For instance, the UC Merced Urban Policy Lab created "Segregation Reports"[5] for a number of California jurisdictions that could be referenced as examples.

4. ***How can HUD adapt the data to better facilitate a regional analysis?***

The 2015 AFFH rule required grantees to analyze data and maps both for a local jurisdiction and for the larger "region" – specifically the Core Based Statistical Area (CBSA) – in which it was located. The "regional" analysis was less valuable if the CBSA was a large metropolitan statistical area. In some scenarios, the CBSA was so large that it was out of scale with the actual surrounding area with which the jurisdiction had economic and social relations, therefore making it neither analytically appropriate nor useful from a policy perspective. Also, the large size of the region undermined the user's ability to discern meaningful patterns and trends from the AFFH-T, especially on the provided maps. As such, it may be useful for HUD to allow jurisdictions located in the largest MSAs to undertake analyses for customizable housing regions. For instance, a grantee might be able to demonstrate that the region was more appropriately defined as a smaller subset of counties containing and adjacent to the jurisdiction, as opposed to the entirety of the MSA. In such a case, HUD should provide the jurisdiction with customized tables and maps through the AFFH-T to permit such a modified "regional" analysis.

5. ***What data on homeownership opportunities should HUD provide?***

a. HUD could provide data and generate tables from the federal Home Mortgage Disclosure Act dataset. The Snapshot Loan/Application Register (LAR) contain the national HMDA data as of a fixed date for all HMDA reporters, and includes geographic identifiers down to Census tracts as well as demographic information on the loan applicant or borrower. HMDA also provides information on the occupancy type for the loan being requested,

[5] Click on the "Segregation Reports" link at this website: http://www.21elements.com/affh-and-equity.

specifically whether the property will be used by the applicant/borrower as a primary residence, secondary residence, or an investment property.

b. HUD could also provide data and maps on real estate and property tax burden. For instance, PolicyMap currently has maps for median annual real estate taxes paid (Census), median real estate tax as a percent of median owner-occupied home value (Census), median real estate tax as a percent of median income of owner-occupied households (Census), and the percentage of income tax returns with real estate taxes (IRS).

6. Should HUD consider providing data that are not nationally uniform?

a. The lack of detailed school and school district data in the AFFH-T is a shortcoming that HUD should address by adding information to the tool that may not be universally available or uniform.

The U.S. Department of Education should make available to HUD for inclusion in its AFFH data and mapping tool all relevant education data that bear on fair housing, including school district boundaries and school attendance zones; per pupil spending and other available measures of school resources; NCES data on racial and economic composition of schools and school districts; and degree of racial and economic segregation across school district lines and across school assignment zones within a jurisdiction, PHA area of operation, or state. The AFFH-T should specifically correlate distribution of subsidized housing units with school demographics across school districts and schools,[6] and add "access to low poverty schools" as an additional metric.

HUD should also prompt state and local grantees to obtain data on disparities in school building quality, graduation rates, school discipline and school climate.

b. Through their administration of Medicaid, the Center for Medicare and Medicaid Services (CMS) collects data on the extent to which people with varying types of disabilities live in institutional settings as well as institutional type (state-run institutions, nursing homes, group homes, etc.). HUD should extract information from these CMS sources.

7. Are there additional data that HUD could provide relating to eviction, neighborhood (access to parks, green space, trees), zoning and land use, and housing-related costs (like transportation)?

a. Data on eviction filings can be found at the Eviction Lab.[7]

b. HUD could provide data from the U.S. Department of Agriculture Food Access Research Atlas[8] (FARA). As noted on the FARA website, among other things the atlas "presents an overview of food access indicators for low-income and other census tracts using

[6] Cf. Ingrid Gould Ellen & Keren Horn, *Housing and Educational Opportunity: Characteristics of Local Schools Near Families with Federal Housing Assistance* (PRRAC, July 2018), available at http://www.prrac.org/pdf/HousingLocationSchools2018.pdf.
[7] https://evictionlab.org/
[8] See https://www.ers.usda.gov/data/fooddesert.

different measures of supermarket accessibility" and "offers census-tract-level data on food access that can be downloaded for community planning or research purposes".

c. Tree canopy and parks information could be extracted from LIDAR data, such as may be available from the National Map.[9] There are also many parks layers available from ESRI.

8. Comments on Definitions

a. We strongly object to the definition of "Geographic Area of Analysis" as it pertains to "States and insular areas". The relevant passage in the proposed rule (pp. 8560) is the following:

> "*the expected geographic area of analysis includes the whole State or insular area pursuant to 24 CFR 91.5, including entitlement and non-entitlement areas, on a county-by-county basis (not neighborhood-by-neighborhood), and, where necessary to identify fair housing issues, lower levels of geography, while also including any analysis of circumstances outside the State that impact fair housing issues within the State*".

The state-level analysis should focus on the geographic levels and scales at which segregation and fair housing issues occur. Research indicates that the municipality and neighborhood are much more appropriate scales than the county to evaluate segregation. For instance, Massey, Rothwell and Domina (2009)[10] show that there occurred a drastic change over time in "the level at which the segregation occurred, with the locus of racial separation progressively shifting from the macro level (states and counties) to the micro level (municipalities and neighborhoods) from 1900 to 1970". Similarly, Lichter, Parisi and Taquino (2015) find that contemporary racial segregation between places (cities, jurisdictions, suburbs) within metro areas has increased since 1990.[11] In order for the Equity Plan for states to be meaningful, the geographic area of analysis should include the municipality. This should be a mandatory part of the Equity Plan analysis, not an optional element.

b. We suggest revisions to the prior (2015) definition of Racially or Ethnically Concentrated Areas of Poverty (R/ECAP). First, we recommend moving the poverty rate threshold from 40 percent to 30 percent or more individuals living below the poverty line. The prior definition excluded many high poverty, racially isolated neighborhoods that should be part of any fair housing analysis. The 30% threshold is also consistent with social science evidence. For example, Galster (2002)[12] suggests that the threshold for the relationship between neighborhood poverty and various social problems (crime, school dropout, etc.) occurs around 30 percent, and subsequent empirical research (e.g. Kingsley and Petit (2003)[13]; South, Crowder, and Chavez (2005)[14]) also employ 30 percent as a threshold value.

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[9] See https://www.usgs.gov/the-national-map-data-delivery.
[10] Full-text article available here: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3844132/.
[11] See https://journals.sagepub.com/doi/abs/10.1177/0003122415588558.
[12] Galster, George. 2002. "An Economic Efficiency Analysis of Deconcentrating Poverty Populations." Journal of Housing Economics 11:303-29.
[13] Kingsley, G. Thomas, and Kathryn L. S. Pettit. 2003. Concentrated Poverty: A Change in Course. Urban Institute.
[14] South, Scott J., Kyle Crowder, and Erick Chavez. 2005. "Exiting and Entering High-Poverty Neighborhoods:

Secondly, HUD could similarly revise the race threshold. Instead of requiring a tract to have at least 50 percent non-White population, HUD could borrow from its own definition of an "area of minority concentration" to necessitate that the total percentage of minority persons within a tract must be at least 20 percentage points higher than the total percentage of minorities in the housing market area as a whole.[15]

HUD should also provide guidelines for use by program participants in determining whether any tracts that do not meet the R/ECAP definition feature similar conditions that impede residents' access to opportunity. This guidance is likely to be particularly helpful in regions with high income levels and high costs of living in which many of the lowest-wage workers still have incomes above the federal poverty line.

Thank you for the opportunity to offer these comments, and we would also be happy to give additional input into the HUD data tools outside of the rulemaking process.

Sincerely,

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[15] See HUD, "Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions," PIH 2016-17 (HA), section 5.4(B)(1), https://www.hud.gov/sites/documents/16-17HSGN_16-17PIHN.PDF.