October XX, 2018

Office of the General Counsel

Rules Docket Clerk

US Department of Housing and Urban Development

451 Seventh Street, SW

Room 10276

Washington, DC. 20410-0001

Submitted electronically via [www.regulations.gov](http://www.regulations.gov)

Re: Docket No. FR-6123-A-01

Dear Madam/Sir:

I write this letter in response to the Advance Notice of Proposed Rulemaking: AFFH Streamlining and Enhancements, published in the Federal Register on August 16, 2018. Thank you for the opportunity to comment on one of HUD’s most important rules, the Affirmatively Furthering Fair Housing (AFFH) regulation. I strongly support HUD’s 2015 AFFH Rule and urge HUD not to revoke or rewrite it and to immediately resume full and complete implementation of the Rule by: 1) Restoring on-line access to the Assessment Tool for Local Governments; 2) Issuing a notice informing local jurisdictions of their obligation to conduct an Assessment of Fair Housing (AFH) using the Assessment Tool and to follow the requirements spelled out in the rule; and 3) Resuming the provision of training and technical assistance for those jurisdictions.

Government policies were a driving force behind the residential segregation we see today and we will not be able to adequately address these discriminatory patterns if the 2015 AFFH rule and Assessment Tool are not fully reinstated.[[1]](#footnote-1) Now is the time to advance full enforcement of our nation’s fair housing laws. Many factors point to a great need for increased and vigorous enforcement of the Fair Housing Act. Each year, there are over 4 million instances of housing discrimination, the lion’s share of which go unreported and unaddressed. Over the past several years, there has been an increase in the number of hate crimes committed against people based on their race, national origin, religion and other factors. And for years the FBI has observed that hate crimes are more likely to occur at a person’s residence—raising fair housing implications. Moreover, U.S. neighborhoods are more racially segregated today than they were 100 years ago and the homeownership rate for African American households is virtually unchanged from its rate 50 years ago when the Fair Housing Act was passed.

America’s housing market is becoming more and more out of reach for families, working people, the elderly, and people with disabilities. Today, as the supply of affordable housing continues to decline, nearly 11 million families are spending over 50% of their income on housing costs. The U.S. supply of affordable housing—available to only one out of four households who qualify for assisted housing—is woefully insufficient. Increasing numbers of families are experiencing housing evictions and a disproportionate percentage of these are people of color and single female-headed households. We need more affordable housing, and I hope that you will use your leadership position to advocate for more funding for affordable housing. But affordable housing alone is not enough to address our fair housing needs. That housing must be built in neighborhoods with quality schools, living-wage jobs, accessible and effective transportation, clean air and water, and the other resources that we all need to flourish. We must ensure that the housing is available to all, without regard to race, sex, national origin, religion, family status or disability, as required by the Fair Housing Act. In addition, not all fair housing problems are tied to housing affordability. HUD must ensure that our communities address the other forms of discrimination that form barriers to opportunity, as well.

Communities are also experiencing redlining, disinvestment and challenges with access to quality credit. These and other barriers are driving housing and economic inequality and destabilizing families. These conditions are getting worse, not better. Rather than spending precious time and resources revisiting the AFFH regulation and the Assessment Tool, HUD must proceed with enforcing the previously vetted regulation and the law.

Not only should HUD immediately reinstate the 2015 AFFH Rule and Assessment Tool, but HUD must also complete and release the Assessment Tools for public housing authorities and states and insular areas.

I also urge HUD to immediately reinstate the technical assistance it was providing both directly and through third party vendors, as this assistance was tremendously helpful to jurisdictions that underwent the first round of AFH submissions.

The 2015 AFFH rule and Assessment Tool were implemented after years of consultation and input from a wide range of stakeholders. Additionally, the process has been profoundly helpful for local governments that have already completed their AFH. The rule has established a much-needed framework to help participants and their communities advance fair housing goals. Jurisdictions undergoing the process have reported that they were made aware of important, previously overlooked realities about their communities and were also able to form important collaborations that helped make neighborhoods stronger. Please allow my community to continue engaging in this critical AFFH process to ensure that every neighborhood is a place of opportunity where my family, and others, can thrive.

Sincerely,

1. Rothstein, Richard. The Color Of Law: A Forgotten History of How Our Government Segregated America. New York ; London. Liveright Publishing Corporation, 2017. [↑](#footnote-ref-1)