**Template Language to HUD on the Affirmatively Furthering Fair Housing rule**

This template letter offers suggested language for stakeholders to submit to the US Department of Housing and Urban Development (HUD) in response to the proposed [Affirmatively Furthering Fair Housing (AFFH)](https://www.regulations.gov/document?D=HUD-2020-0011-0001) rule.

When submitting a letter, please remember to:

* Write the letter on your organization’s letterhead, including a logo and contact information if available.
* Include the following identifying information in the letter:

Subject: Affirmatively Furthering Fair Housing (AFFH)

**Agency/Docket Number:** FR 6123-P-02/HUD 2020-0011

**RIN:** 2577-AA97

**Federal Register Number:** 2020-00234

* Include anecdotes and examples relevant to your organization and work.
* Submit the letter on the [Federal Register](https://www.federalregister.gov/documents/2020/01/14/2020-00234/affirmatively-furthering-fair-housing?utm_source=BHPN+Website+Newsletter+List&utm_campaign=e74a09e1a0-EMAIL_CAMPAIGN_2020_02_07_10_36&utm_medium=email&utm_term=0_c39fafc581-e74a09e1a0-356397279) by the due date – March 16, 2020.

[Submit your comments](https://www.regulations.gov/comment?D=HUD-2020-0011-0001) on the proposed new Affirmatively Furthering Fair Housing (AFFH) Rule through the Federal Register Portal by March 16, 2020.

# Template AFFH Letter

[Your name or name of organization] appreciates the opportunity to comment on Docket Number [HUD-2020-0011](https://www.regulations.gov/docket?D=HUD-2020-0011), a proposed rule to implement the Affirmatively Furthering Fair Housing (AFFH) regulation.

[Insert information about your organization and work]

The US Department of Housing and Urban Development (HUD) suspended the implementation of the 2015 AFFH Final Rule established by the Obama administration and [proposed a new rule on January 14, 2020](https://www.federalregister.gov/documents/2020/01/14/2020-00234/affirmatively-furthering-fair-housing?utm_source=BHPN+Website+Newsletter+List&utm_campaign=e74a09e1a0-EMAIL_CAMPAIGN_2020_02_07_10_36&utm_medium=email&utm_term=0_c39fafc581-e74a09e1a0-356397279). The proposed new AFFH rule would take dramatic steps to weaken how HUD and jurisdictions nationwide fulfill their duties to uphold the Fair Housing Act. As an organization committed to fostering inclusive and equitable communities of opportunity, (Name of your organization) strongly opposes this proposed rule. ***We believe HUD should withdraw the current proposed rule and allow additional time for the current AFFH regulation (Final Rule) to be implemented.*** Any changes to the Final Rule should come from sub regulatory changes or utilizing existing regulatory flexibilities. HUD should also work to improve the current rule by refining assessment tools, facilitating engagement amongst covered participants, and supporting technical assistance to ensure that localities are further fair housing opportunity and reducing housing discrimination.

Our organization has witnessed the multi-generational inequities and persistent disparities between communities in our region. Racial inequality in housing persists today, and the failure to implement the AFFH Final Rule hinders our ability to adequately address the inter-related causes of housing segregation. Simply building more housing will not address the failure in many communities to allow those using vouchers to live in areas of opportunity, to create greater housing opportunities for all, or to increase economic, health and social opportunities in low-income or racially segregated areas. Nor will it address the decades of housing related environmental justice inequities.

We believe the proposed rule should be withdrawn since it:  1) redefines AFFH to primarily focus on local regulatory barriers to housing development and supply while not requiring an examination of residential segregation or impacts of local actions on protected classes; 2) diminishes public participation requirements; 3) uses a flawed definition to determine a jurisdiction’s fair housing performance; 4) disincentivizes regional collaboration; and 5) diminishes AFFH responsibilities for public housing authorities. This proposal fails to capture the numerous barriers to housing opportunity faced by many protected classes, including people of color, the disabled, or those identifying as LGBTQ+. By removing any regard for patterns of residential segregation or integration, HUD’s proposed process would neither accurately report nor incite a jurisdiction to take meaningful efforts to further fair housing.

One of HUD’s primary reasons cited for rescinding the 2015 AFFH rule and data tools, and publishing this new rule is to reduce the administrative burden on grantees. While we appreciate the consideration of burden placed on local communities, HUD provides technical assistance that can be prioritized to support communities engaged in this work. HUD should also note that creating positive, lasting results requires analysis and engagement with the community. Ensuring that scarce federal housing resources are being used to achieve fair housing is an important national goal.

Our organization opposes the proposed new definition of AFFH that omits reference to localities taking meaningful action to address disparities in housing needs and access to opportunity. This new definition limits the concept of AFFH to only that which is within the program participant’s control or influence. This revised definition forfeits the government’s responsibility to address racial inequality in housing. The proposed rule would completely undermine the primary focus of the AFFH, which is to address deeply entrenched residential segregation. The proposed rule would negatively impact thousands of people of color who already bear the burden of racial disparities in housing choice, assets and access to economic opportunity as a result of institutional race-based barriers within local, state and federal housing and land use policies shaped over hundreds of years.

Additionally, the new rule reduces the importance and need for energy efficiency and water standards which can create more sustainable housing and help drive down the cost of housing for households. The rule also casts critical “wetland and environmental” protections as “unduly burdensome” yet those regulations are critical to ensuring both the protection of sensitive habitat and keeping families safe from potential and repeated flood risk.

The new rule allows HUD program participants included in the consolidated plan process to examine their own circumstances to determine how best to determine their AFFH performance and self-report. Given the long history of inadequate local implementation of AFFH, this proposed process is highly inadequate and lacks transparency or the ability of local organizations such as ours to even analyze impacts and proposed approaches across communities.

# OPTIONAL: Consider adding some local context.

*How has fair housing issues played out in your community? This could be an opportunity to add in a couple sentences about why fair housing matters to your jurisdiction and/or what your organization has been doing to advance these issues. The proposed rule is largely focused on the belief that local jurisdictions do not have the capacity to do a more detailed analysis. Are there local examples you can provide of that refute this, or that make the case for why comprehensive analysis is needed?*

Finally, data alone is not the only factor that localities should consider in developing an AFFH strategy. Stakeholder input through meaningful public engagement activities must be required. In our work we have seen the meaningful impact that true community input can have when it is built on shared power and acknowledgement of the ways power has been stripped from communities of color in the past. It is essential for HUD to ensure through AFFH that all people have access to housing and opportunity and that HUD fulfill its statutory responsibilities. ***We do not support the proposal to consolidate the public participation planning requirements into the Consolidated Plan process since it limits the ability for stakeholders to solicit feedback on developing meaningful AFFH priorities and will most likely result in less robust goals.***

We are concerned by the allowance in the proposed rule to only consider fair housing complaints brought about by or on behalf of HUD or the Department of Justice. This limited perspective, combined with the significant degree to which this proposed rule relaxes any meaningful consideration of fair housing makes it unlikely that individuals or organizations would have any ability to hold jurisdictions accountable or for HUD to condition its future funds to jurisdictions that are failing to meet AFFH.

HUD already has a well-designed process for requiring jurisdictions to evaluate their regulatory practices that obstruct the production of fair and accessible affordable housing. As part of the 2015 Affirmatively Furthering Fair Housing (AFFH) rule, HUD recipients were required to identify regulatory barriers to fair housing such as exclusionary zoning and other regulatory policies that perpetuate segregated housing patterns. Through the Assessment of Fair Housing (AFH), the 2015 AFFH rule was designed to help ensure that localities reform exclusionary housing practices that obstruct the production of more affordable housing and perpetuate residential segregation.

**We strongly urge the Administration to rescind its new AFFH proposed rule that would weaken how HUD furthers fair housing including its ability to enforce its statutorily required AFFH responsibilities.**

Sincerely,

[Name, Organization]