

March 9, 2020

Submitted via www.regulations.gov

Office of the General Counsel
Rules Docket Clerk
Department of Housing and Urban Development
451 Seventh Street SW, Room 10276
Washington, DC 20410-0001

RE: HUD's Affirmatively Furthering Fair Housing Proposed Rule, Docket No. FR-6123-P-02

To Whom It May Concern:

I am writing on behalf of Prevention Institute to express our strong opposition to the U.S. Department of Housing and Urban Development's (HUD) proposed changes to the Affirmatively Furthering Fair Housing (AFFH) rule which would severely weaken AFFH protections and in turn perpetuate the community disparities that result in health inequities. We urge HUD to withdraw the proposed rule and fully implement the existing AFFH rule instead.

As a national nonprofit organization dedicated to promoting health, safety, and wellbeing through thriving, equitable communities, Prevention Institute recognizes that housing has a tremendous impact on health, opportunity, and belonging. Where housing is safe, affordable, and situated in vibrant neighborhoods with access to parks, public transit, healthy food retail, and opportunities for social connection, people and communities can flourish and thrive. When housing is scarce, unaffordable, unsafe, inhospitable, located near toxic land uses, and segregated from opportunity, residents may struggle to access opportunities, connect with one another, meet their basic health needs, and recover from illnesses and injuries.

Housing insecurity and segregation emerge—again and again—as causes, symptoms, and outcomes of inequities in health and wellbeing, safety, and exposure to violence. Historical and present-day policies, practices, and systems shape whether quality, inclusive housing is available in a community, and to whom. The finalization of the Affirmatively Furthering Fair Housing Rule by HUD in 2015 provided long-awaited clarification of the fair housing law and responded to the 2010 findings by the Government Accountability Office that the existing Analysis of Impediments process was ineffective and deficient. The AFFH rule was shaped through extensive piloting by 74 HUD grantees through the Fair Housing and Equity Assessment and through considerable input from a wide variety of both housing and non-housing stakeholders.

The existing AFFH rule sought to both prevent segregation and create diverse, inclusive communities. We therefore oppose the proposed rule for the following reasons:

- **It ignores residential segregation and housing discrimination**—The proposed rule effectively eliminates any reference to desegregation and creating areas of opportunity and redefines AFFH as “advancing fair housing choice within the program participant’s control or influence.” This change disregards the fact that housing inequities have been created and maintained through law and private

sector policies and that ongoing discrimination limits people's access to stable, safe housing in communities of their choice.

- **It shifts the focus solely to affordability without attention to inclusion**—The proposed rule shifts the overarching goal from fostering inclusive communities to ensuring “an adequate supply of affordable housing throughout the jurisdiction.” While this is a laudable objective, it does not guarantee that people with the lowest incomes will be able to afford their housing costs. Moreover, even with an adequate supply, many people may not be able to live where they desire because of bias in rental and mortgage lending practices.
- **It threatens policies that can promote housing stability and safety**—The proposed rule allows communities to meet their AFFH obligations by stating their intent to address three of 16 “obstacles” to fair housing as designated by HUD. Most of these obstacles are not related to fair housing and some may promote fair housing, such as rent stabilization policies and environmental protections.
- **It disempowers the very communities that will be most impacted**—The proposed rule removes the requirement for community participation and engagement focused on fair housing issues, including a public hearing and a written comment period. This change reverts to the pre-AFFH era and relies on fair housing issues being raised through a community's Consolidated Plan process. Civic engagement and building community power are essential to democratic decision-making and advancing health equity.
- **It excludes public housing agencies and the millions of residents who live there**—Lastly, the proposed rule no longer obligates public housing agencies (PHAs) to submit their own fair housing goals and strategies. Public and subsidized housing residents face unique barriers to health and well-being and, because of the historical design of these programs, often live in economically and racially segregated communities. In addition, PHAs have specific tools available to them to promote fair housing and desegregation.

In closing, we strongly urge HUD to withdraw the proposed rule and fully implement the existing AFFH rule which directly names and addresses residential segregation as a key barrier to physical, social, and economic wellbeing. The existing AFFH rule supports local leaders in correcting longstanding patterns of housing discrimination and provides the guidance needed to build stronger, more vibrant communities—where all residents can reach their full potential. This is an outcome that we can all get behind. Thank you for the opportunity to provide input.

Sincerely,



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