

January 13, 2015

Assistant Secretary Gustavo Velasquez
Department of Housing and Urban Development
451 7th Street, SW, Room 5100
Washington, DC 20410-0500

**Re: Additional Comments - Affirmatively Furthering Fair Housing (AFFH)
Assessment Tool**

Dear Assistant Secretary Velasquez:

Thank you for the opportunity to comment on the Affirmatively Furthering Fair Housing (AFFH) Assessment Tool. Our undersigned organizations have, in various other comments, commented on specific aspects of the substance of the Assessment Tool to point out both the strengths of the Assessment Tool and areas where the Assessment Tool needs more improvement. Generally, our organizations agree that the Assessment Tool has many important strengths and brings attention to crucial issues such as racial segregation and the disparities in resources and access between different communities. We also generally agree on areas where improvement is needed – such as proactively addressing gentrification and revitalization, significantly increasing community participation in the process, and ensuring that the Assessment Tool lead to identified action steps, which itself is critical to ensuring community participation.

This letter focuses on the process for implementing the AFFH rule and Assessment Tool. Our groups all agree on two crucial goals. First, HUD should adopt the AFFH rule in the near future so as to move a rulemaking process that has been under consideration for nearly six years to a conclusion. Second, HUD should ensure that the implementation of the rule effectuates the goals of the rule in as transparent, fair, and effective fashion as possible. We outline a suggested process to achieve both goals below, recognizing that communities and regions vary widely in capacity and local conditions, and that local knowledge, community participation, and data are crucial to furthering fair housing.

- HUD should adopt the AFFH rule, and Assessment Tool, incorporating changes in response to public comment, and provide the public comment period promised for the Assessment Tool for entities not covered by the present proposal, sooner rather than later. We believe that it is critical that HUD moves from the rule proposal stage to implementation soon in order to accomplish the important policy objectives of the proposal, provide predictability to all interested parties, and successfully implement the requirements of the Fair Housing Act.
- HUD should provide as part of that adoption a phase in schedule for implementation of the rule. The first phase should be a cohort of 20-30

jurisdictions. These jurisdictions could include both jurisdictions that would be among the first cohort for which the new AFFH rule would apply, and other jurisdictions that might choose to participate. This cohort should be the first cohort to go through the new AFH process, and HUD should provide enhanced technical assistance to these initial jurisdictions in going through the process. The jurisdictions should be selected so as to represent the diversity of different jurisdictions in the country, including local and/or regionally collaborating entitlement jurisdictions, public housing authorities (individually and/or in collaboration with entitlement jurisdictions), and states; areas with a range of demographic compositions and with differing levels of segregation and integration of different groups who are part of protected classes; and areas with stronger and weaker economic growth and housing markets. HUD should also include in this initial cohort jurisdictions in large metropolitan areas, smaller metropolitan areas, and more rural areas. The signatories to this letter are all more than willing to provide assistance to HUD in identifying a range of jurisdictions that would be appropriate to participate as part of the first phase.

- HUD should then incorporate into its final assessment tool lessons learned from this first phase, which can then be used by all jurisdictions going forward.

By selecting a diverse group of first phase jurisdictions and providing technical assistance, HUD will be able to ensure that the “web-based system that will guide participants through the data and required analysis,” 79 FR 57951, works effectively for a wide range of jurisdictions in actual development of an AFH. We applaud HUD for the development of such a system as an essential tool in assisting jurisdictions in completing effective AFHs. We believe that such real life testing by diverse jurisdictions will provide the most effective way to ensure the web-based tool works well for full implementation of the rule.

These first phase jurisdictions should complete their AFHs, including HUD review, by late 2015. The experience of those jurisdictions can then shape any needed adjustments to the web-based system in full implementation. Once the first phase is complete, full implementation should begin with all jurisdictions with Consolidated Plans due on or after June 2016. Those jurisdictions will be required to use the updated AFH process.

We hope that these suggestions on the implementation of the AFFH rule and Assessment Tool are helpful, and continue to support HUD’s critical work in this area. Please let us know if there are any further areas in which our organizations can be of assistance; you can reach Adam Gordon at Fair Share Housing Center at 856-665-5444 x6 or adamgordon@fairsharehousing.org as a central point of contact if you would like to discuss this letter further.

Sincerely,

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