

Fostering Access to Opportunity

HUD's Proposed Affirmatively Furthering Housing Rule

The Challenge:

In America, for too many people, housing choices are constrained by discrimination and lack of access to opportunities. The operation of housing markets, investment choices by holders of capital, the history and geography of regions, and patterns of development and the built environment can result in segregation, racially concentrated areas of poverty, and unequal access to vital community assets that can shape life outcomes. A person or family's zip code is largely a determining factor in the type of education, health and other quality of life outcomes they can expect.

Moving Towards Solutions – The Affirmatively Furthering Fair Housing Rule:

The Fair Housing Act of 1968 requires HUD to conduct programs in such a manner that “affirmatively furthers fair housing” – a term that has never been defined. Responding to concerns raised by the Government Accountability Office and stakeholders, the proposed rule does three key things:

- 1) Clarifies the definition of AFFH to include actions that expand mobility for all households in opportunity-rich communities, reducing segregation and concentrated poverty – as well as actions that invest in high-poverty communities, expanding opportunity for existing residents.
- 2) Improves the process that local jurisdictions undertake to ensure that HUD funds are being used to further fair housing by aligning it with Consolidated Plans for CDBG and HOME allocations and with Public Housing Plans for public housing dollars.
- 3) Provides local jurisdictions with consistent data to ensure that grantees can measure their progress on reducing segregation and racially concentrated poverty while expanding access to quality schools, good jobs, and healthy environments for all.

Moving Forward to Implementation: The proposed AFFH rule lays an excellent foundation to ensure that HUD resources are effectively being used to expand housing choice. To meet the intentions of the rule, we offer the following modifications:

- *Align and integrate federal policies that advance opportunity.* The Sustainable Communities Initiative and the Partnership for Sustainable Communities have demonstrated the potential for federal interagency partnerships and regional collaborations to leverage smarter investments. More incentives should be provided in the final AFFH rule to encourage regional collaboration on allocation of CDBG and other HUD funds, in addition to DOT, EDA, USDA, and other funds.
- *Strengthen the capacity of HUD to be an accountable partner through clearer enforcement.* To both ensure that local obligations are being met, while risk of litigation is reduced, we encourage HUD to adopt clearer language on the official complaint and approval process for local Assessments of Fair Housing.
- *Create the right conditions to allow for local innovation.* Effective fair housing strategies require clear performance goals and metrics and strong local capacity to implement complicated programs and policies. The proposed rule should include more specific short and long-term performance measures to gauge success and identify a process by which grantees will have access to consistent capacity building opportunities.