

# Designing Our Just Housing Futures

## Affirmatively Furthering Fair Housing (AFFH) Public Comment Guide

Tram Hoang, Jasmine Rangel, and Rasheedah Phillips



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Cover image: Governance Assembly in August 2022, in Minneapolis MN, (*Right to the City*, is licensed under [CC BY 2.0](#).)

# Contents

---

## 1.0 Introduction

---

## 2.0 The AFFH Rule

---

What Is AFFH?

---

2023 Proposed AFFH Rule Key Components

---

## 3.0 The Federal Rulemaking and Commenting Process

---

Federal Rulemaking and Commenting Process

---

What Is a Public Comment?

---

## 4.0 Submitting a Powerful Comment—4 Key Components

---

What to Focus on in Each Section

---

Uplifting Equity in Your Comments

---

Writing as an Individual

---

How and Where to Submit Your Comment

---

Deadlines

---

## 5.0 AFFH Matters for Equity Advocates in All Policy Areas

---

Why Cross-Sector Shaping of the AFFH Rule Is Important

---

A Comment Guide by Sector

---

## 6.0 Data and Research Tools to Build Your Case

---

## 7.0 Notes

---

## 8.0 Author Biographies

---

## 1.0

# Introduction

Picture this: a future where the zip code someone was born into no longer determines their health, level of education, or opportunities to thrive and live in pure abundance. In this future, state and local governments have the ability to develop, implement, and promote fair housing tools; address patterns of social inequities, segregation, and disinvestment; and invest in all communities for residents to reach their full potential. Recently, the federal government took a long-awaited and necessary step to make this possible through a new proposed Affirmatively Furthering Fair Housing (AFFH) rule.

Over the last 400 years, racialized housing and land exclusion policies, institutions, and value systems have allowed white families to build substantial generational wealth. Simultaneously, redlining, segregation, block-busting, racial steering practices, and much more have restricted and denied the same opportunities to Black and Brown families and other racialized groups. As a result, many Black families were forced into substandard housing in neighborhoods cut off from high-performing schools, grocery stores, jobs, transportation, and clean air and water. But the remnants of racially motivated, discriminatory, and exclusionary policies from the past and from the present are still deeply felt in communities today. The AFFH rule seeks to challenge the status quo of these policies, redress inequities, and build a future where everyone can have a safe, stable place to call home.

For decades, the AFFH mandate was in the law as a provision in the Fair Housing Act of 1968, but local and state governments were not held accountable for addressing the inequities that persisted in their communities. However, this changed in 2015 when the Obama Administration, under the advisement of PolicyLink and scores of other housing justice advocates, instituted a strong AFFH rule that helped to shape investments in disinvested neighborhoods and increase access to neighborhoods that have long locked people out of opportunity.

The AFFH rule is critical to advancing housing justice and addressing inequity that became entrenched over decades. Even though redlining and discriminatory practices are now illegal, the legacy of their harm is evident in racially concentrated areas of poverty, where patterns of disinvestment and segregation have deprived Black communities, communities of color, and protected classes access to safe and stable housing, public transportation, grocery stores, parks and greenspaces, financial institutions, and more. Today, a person or family's zip code is a strong determining factor in the type of education, health, and other quality-of-life outcomes they can expect. Redirecting our public resources to create new housing futures in which all our communities can thrive will affect all aspects of people's lives—growing their access to high-performing schools, jobs, and clean water and air. By shaping and strengthening the AFFH rule, we can build new possibilities for our communities.

On January 19, 2023, the United States Department of Housing and Urban Development (HUD) released a draft of the proposed AFFH rule prior to soliciting comments from the public for 60 days, beginning on the date the Notice of Proposed Rule Making (NPRM) is published in the *Federal Register*. The NPRM for the proposed AFFH rule was published in the *Federal Register* on February 9, 2023, with a public comment deadline of April 10, 2023. The proposed AFFH rule presents a historic opening for communities that have faced decades of housing exclusion and discrimination to design just housing futures across the country. Grassroots organizers, community-based organizations, community leaders, and cross-sector advocates have a timely opportunity to amplify their expertise to strengthen the AFFH Rule as a critical tool in communities' work for housing justice.

PolicyLink is providing this public comment guide to support communities across the country pursuing housing justice to shape the proposed AFFH rule. Using this guide will be easy, based on where you are in your brainstorming, writing, or reviewing process.

Section 2 of this guide provides background on the 2015 AFFH Rule and an overview of the new proposed AFFH rule. Section 3 provides some context about federal rulemaking and the public comment process. Section 4 is where you can get a pen and paper ready to start brainstorming, writing, and preparing to submit a strong, equity-focused comment. This section illustrates the necessary components and walks you through the details needed for a powerful comment. Whether you work directly on housing justice issues or in a different field, Section 5 guides you through how your specific sector can help shape the future of AFFH and our communities. Finally, Section 6 provides a list of data and research resources to support the development of your comments and help you understand your community's local housing context for future fair housing planning processes.

We are enthusiastic about bringing you this AFFH Public Comment Guide to help you shape and strengthen the proposed AFFH rule and bring us one step closer, one policy closer, and one investment closer to creating the just, fair, and equitable communities we have long envisioned. We are excited about this opportunity to work with you and your communities to envision, design, and build just housing futures everywhere and for everyone.

### Abbreviations

AFFH	Affirmatively Furthering Fair Housing
AFH	Assessment of Fair Housing
AI	Analysis of Impediments
DEA	Economic Development Administration
DOT	Department of Transportation
EDA	Economic Development Administration
HUD	US Department of Housing and Urban Development
IFR	Interim Final Rule
NPRM	Notice of Proposed Rulemaking
PHA	Public Housing Authorities
USDA	US Department of Agriculture

# The AFFH Rule

**Below:** (*Robert C. Weaver Federal Building by U.S. Dept. of Housing and Urban Development (HUD).*)



## What Is AFFH?

### A Brief History of Affirmatively Furthering Fair Housing

Over 50 years ago, civil rights activists won passage of the Fair Housing Act of 1968, which banned housing discrimination and predatory real estate practices. Today, this hard-fought law is still an important tool of defense for Black, Indigenous, and Brown communities; people with disabilities; and anyone marginalized because of their race, color, religion, national origin, sex, gender, disability, or familial status—but, by design, these communities are still too often denied equitable access to their own futures.

The Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions on the basis of race, color, sex/gender, religion, familial status, national origin, or disability (the “protected classes”). In addition to prohibiting discrimination, the Fair Housing Act also requires HUD to administer its programs and activities in a manner that “affirmatively furthers fair housing.”<sup>1</sup> This obligation extends to HUD grantees, who must go beyond refraining from housing discrimination and segregation, to take meaningful steps that affirmatively further the goals and objectives of the Fair Housing Act.<sup>2</sup> Despite this mandate, the term “affirmatively furthering fair housing” was never defined in the Fair Housing Act. HUD provided its grant recipients with little guidance over how to achieve the law’s fair housing goals and could not effectively enforce compliance.

Prior to 2015, and only starting in 1995, HUD implemented the AFFH mandate simply by requiring HUD grantees to “certify” that they were affirmatively furthering fair housing through the Analysis of Impediments (AI) to Fair Housing Choice process, which required HUD grantees to complete an AI and take “appropriate actions” to overcome the effects of any impediments they identified. The AI process, however, had several limitations, including that local governments were not required to consider comprehensive data sources to grasp the full picture of fair housing problems in their communities. The AI process also failed to mandate thorough community engagement, and, without a requirement for action plans to resolve identified fair housing issues, the AI process lacked accountability for addressing fair housing issues effectively. Furthermore, AI reports were inconsistently submitted by HUD grantees, had inconsistent timelines and rules for submission,

and were rarely reviewed by HUD, while HUD inconsistently enforced the rule.<sup>3</sup>

The 2015 Affirmatively Furthering Fair Housing Rule, promulgated under President Barack Obama’s administration, was intended to provide for a more robust and comprehensive approach to fair housing analysis and planning and to address issues raised with the AI process. The 2015 AFFH rule required housing authorities, cities, counties, and states to conduct a fair housing analysis and, based on their analysis, target federal resources in a manner that solves chronic, persistent disparities in housing choices and access to opportunity and reduces patterns of housing discrimination and segregation. Jurisdictions subject to the AFFH rule were required to consider more data sources, engage with their communities more deeply, and develop an Assessment of Fair Housing (AFH) to address any identified fair housing issues.

The 2015 AFFH rule’s legal requirement mandated that recipients of HUD grant funds proactively advance four goals:

- Decrease residential segregation.
- Identify and address racially and ethnically concentrated areas of poverty.
- Reduce unequal access to important community assets, including quality schools, job centers, and transit.
- Narrow gaps that result in disproportionate housing needs for families with children, people with disabilities, and people of different ethnicities and national origins.

The 2015 AFFH rule provided an opportunity to change the trajectory of growing poverty, inequality, and spatial inequity. In consideration of how all federal policies work together to advance the Fair Housing Act, the 2015 AFFH rule was intended to help federal agencies and HUD grantees weave together housing, health, transportation, education, environmental, and economic development approaches that support the transformation of areas of concentrated poverty into thriving communities. Furthermore, the 2015 AFFH rule fostered design approaches that promoted access to affordable housing in communities with high-performing schools, clean air, reliable transportation choices, and access to workforce opportunities and good jobs. HUD provided program participants with guidance, data, and an assessment tool to conduct and submit an AFH.

In 2018, under the Trump Administration, HUD suspended the 2015 AFFH rule and fair housing certification obligations for most jurisdictions. The Trump Administration issued a final rule in 2020 called “Preserving Community and Housing Choice,” which repealed the 2015 AFFH regulations without the

required notice and public comment process. This decision to suspend implementation of the AFFH rule was made despite the fact that there were early signs of success as the inaugural cohort of communities began to use the process.

In 2021, HUD reinstated certain provisions, certifications, and definitions of the 2015 AFFH rule via an interim final rule (IFR)

called “Restoring Affirmatively Furthering Fair Housing Definitions and Certification.” While the IFR does require regular certification and compliance with the legal requirements of the AFFH and provides technical assistance and support for grantees to engage in fair housing planning, the IFR does not require any specific form of planning or revert to the AFH planning process adopted in the 2015 rule.

## AFFH Rules Timeline

### 1968

The Fair Housing Act is passed as part of the Civil Rights Act of 1968, banning discrimination in housing and creating the Affirmatively Furthering Fair Housing provision.

### 1970

HUD Secretary Romney ordered HUD officials to enforce AFFH by rejecting applications for infrastructure projects in jurisdictions where local policies upheld segregation; President Nixon intervened to stop this and Secretary Romney resigned.

### 1995

The Analysis of Impediments to Fair Housing Choice (AI) rule is adopted, requiring HUD grantees to certify that they will affirmatively further fair housing by conducting an AI and taking appropriate actions to overcome impediments, as well as maintain records.

### 2010

A report from the Government Accountability Office found that the AI process was an ineffective tool for grantees because of HUD’s limited regulatory requirements and oversight and recommended actions that would provide more structure and increase accountability of jurisdictions to affirmatively further fair housing.<sup>a</sup>

### 2015

Under the Obama Administration, HUD instituted a strong AFFH rule that required cities, counties, states, and public housing agencies (PHAs) receiving HUD funds to undergo an Assessment of Fair Housing process in their communities, determine the housing inequities and fair housing barriers in their communities, create goals and strategies to address housing inequities, and target federal resources to increase access to housing choice and opportunity.

a. US Government Accountability Office. “Housing and Community Grants: HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans.” October 14, 2020. <https://www.gao.gov/products/gao-10-905>.

### 2018

HUD under the Trump Administration repealed the 2015 AFFH rule and HUD suspended its implementation on January 5. Civil rights groups filed a lawsuit challenging the Trump Administration’s suspension of the AFFH rule (dismissed on standing grounds in 2019).

### 2020

HUD instated the “Preserving Neighborhood and Community Choice” rule, replacing the 2015 AFFH rule and redefining the term “fair housing” and the Fair Housing Act’s AFFH obligations in a way that effectively gutted it.

### 2021

HUD under the Biden Administration issued new guidance and reinstated an accurate definition of AFFH from the 2015 rule through an interim final rule requiring local governments to take meaningful actions to address patterns of housing discrimination and related barriers to fair housing choice,<sup>b</sup> but did not create an accountability structure or require a community planning process.

### 2023

HUD announced its intent to publish a Notice of Proposed Rulemaking for an AFFH rule on January 19, to clarify the process by which jurisdictions should collect data, plan and implement AFFH, and determine how they will be held accountable.<sup>c</sup> The rule is open for public comment for 60 days after the publication of the NPRM in the *Federal Register*, until April 10, 2023.

b. US Department of Housing and Urban Development. “Restoring Affirmatively Furthering Fair Housing Definitions and Certifications,” *Federal Register*, Jun. 10, 2021. <https://www.federalregister.gov/documents/2021/06/10/2021-12114/restoring-affirmatively-furthering-fair-housing-definitions-and-certifications>.

c. HUD Public Affairs. “HUD Announces New Proposed ‘Affirmatively Furthering Fair Housing’ Rule, Taking a Major Step Towards Rooting Out Longstanding Inequities in Housing and Fortering Inclusive Communities,” US Department of Housing and Urban Development, Press Release HUD No. 23-013, January 19, 2023, [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_23\\_013](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_23_013).

## Why Is AFFH Important?

Strong and effective fair housing laws are essential for building prosperity—for people struggling to get by, for local and regional economies that benefit from thriving communities, and for the nation as a whole. That’s why HUD’s AFFH rule is so important. As inequality soars and neighborhoods of concentrated poverty are on the rise in most American cities, the AFFH rule pushes localities and regions to deliver on the promise of fair housing.

By helping to connect low-income families to neighborhoods of greater opportunity, the rule has the potential to help spur inclusive economic growth not only within these households but also within cities and regions. The rule will sharpen the tools that equity advocates and public sector leaders can use to increase investment in high-poverty neighborhoods; fight discrimination in the housing market; address segregation, displacement, and evictions in marginalized communities; and add more affordable housing choices in neighborhoods with jobs, good schools, and other essentials.

Broadly, the AFFH rule can ensure that cities, counties, public housing agencies, regions, and states are proactively pursuing housing and other policies that connect all residents to the resources they need to succeed by providing local leaders with the tools and incentives necessary to:

- invest in under-resourced neighborhoods,
- connect those in disinvested neighborhoods to opportunities and vital resources, and
- create housing options for lower income and marginalized households in neighborhoods with greater access to amenities and resources.

## Who Must Follow the AFFH Rule?

The following entities are subject to the HUD AFFH rule.

- States, local governments, and insular areas that receive federal funds and are required to submit consolidated plans for the following programs:
  - Community Development Block Grant (CDBG)
  - Emergency Solutions Grants (ESG)
  - Home Investment Partnerships (HOME)
  - Housing Opportunities for Persons with AIDS (HOPWA)
  - National Housing Trust Fund
- Public housing authorities receiving assistance under Sections 8 (Housing Choice Vouchers) or 9 (Public Housing) of the US Housing Act of 1937.

The AFFH duty extends to all of a program participant’s activities and programs relating to housing and urban development.

All federal agencies administering programs and activities relating to housing and urban development are also subject to the duty to affirmatively further fair housing under the Fair Housing Act, including the following:

- HUD and all offices under HUD (such as the Office of Fair Housing and Equal Opportunity)
- Consumer Financial Protection Bureau
- Department of Agriculture
- Department of Education
- Department of Health and Human Services
- Department of Justice
- Department of Labor
- Department of Transportation
- Department of Treasury
- Environmental Protection Agency
- Federal Housing Finance Agency (FHFA)

## 2023 Proposed AFFH Rule Key Components

On February 9, 2023, an NPRM for the proposed AFFH rule was published in the *Federal Register*, with public comment due on April 10, 2023. The proposed rule follows the framework of the 2015 AFFH rule in that participants must still identify fair housing issues, set priorities, and develop goals to address them; however, the rule has been refined based on HUD's experience and stakeholder feedback, and, according to HUD, is designed to be simpler and more flexible. The key components of the 2023 proposed AFFH rule are described below.

### Equity Plan

The 2023 proposed AFFH rule establishes an Equity Plan (formerly known as the Assessment of Fair Housing).

Components of the plan include the following:

- All program participants are required to complete an Equity Plan. The new “streamlined process” requires participants to respond to questions in a few broad areas. The new rule does away with the 2015 AFH Assessment tool, which included more than 100 questions and more than 40 contributing factors.
- Equity Plans must respond to a set of questions related to the following:
  - Demographics
  - Segregation and integration
  - R/ECAPs (racially or ethnically concentrated areas of poverty)
  - Access to community assets
  - Access to affordable housing opportunities
  - Access to homeownership and economic opportunity
  - Local and state policies and practices impacting fair housing
- Equity Plans must include the following:
  - Description of fair housing issues identified, which includes conditions that constitute the fair housing issue and protected class groups who are adversely affected
  - Prioritization of fair housing issues with priority given to fair housing issues that will result in the most effective fair housing goals for achieving material positive change for underserved communities
  - Fair housing goals
  - Description of community engagement activities

HUD intends to keep providing and making publicly accessible its data sets, maps, tools, and other resources to aid program participants and communities in identifying fair housing concerns. HUD will also post all program participants' Equity

Plans on a HUD-run website, enabling participants to view accepted plans from others and learn from their experiences.

### Community Engagement

Community engagement is a continued priority for the AFFH process, and the proposed rule includes the following requirements:

- Program participants must engage with the public during the development of the Equity Plan, from the identification of fair housing issues to the establishment of fair housing goals.
- While the Equity Plan is in effect, program participants must also engage with their communities on at least an annual basis to receive community input on the advancement of previously established fair housing goals.
- For the development of an Equity Plan, community engagement must include, at a minimum, the following components:
  - At least three public meetings at various accessible locations and at different times
  - At least one meeting held in a location in the jurisdiction in which underserved communities disproportionately reside
  - Annual community engagement must include at least two public meetings at different locations, with one located in an area of the jurisdiction in which underserved communities predominantly reside
- Community engagement must involve reaching out to local leaders and community-based organizations, including advocates, community groups, clergy, health-care providers, educators, and service providers like social workers and case managers, to gather community perspectives and provide fair housing planning information.

### Fair Housing

The 2023 proposed AFFH rule poses a stronger link between fair housing goals and strategies.

- The proposed AFFH rule requires program participants to incorporate the fair housing goals from their Equity Plans into their consolidated plan, annual action plan, or Public Housing Authority (PHA) plan.
- Program participants must also incorporate the fair housing goals from their Equity Plans into planning documents required in connection with the receipt of federal financial assistance from any other federal executive department or agency.

## Timeline for Engagement

The 2023 proposed AFFH rule establishes a sequential timeline for program participants to engage with the AFFH process.

Consolidated Equity Plans are due every five years, with a staggered start date based on the size of grant funds:

- For program participants receiving \$100 million or more in grant funds starting in 2024, the first Equity Plan must be submitted by 24 months after the proposed rule's effective date or 365 days prior to the date for which a new consolidated plan is due (whichever is earlier).
- For program participants receiving between \$30 million and \$99 million in grant funds starting in 2025, the first Equity Plan must be submitted no later than 365 days prior to the date for which a new consolidated plan is due.
- For program participants receiving between \$1 million and \$29 million in grant funds starting in 2026, the first Equity Plan must be submitted no later than 365 days prior to the date for which a new consolidated plan is due.
- For program participants receiving less than \$1 million in grant funds starting in 2027, the first Equity Plan must be submitted no later than 365 days prior to the date for which a new consolidated plan is due.

For Public Housing Agencies, Equity Plans are due every 5 years, with a staggered start date based on the number of public housing units and vouchers:

- For PHAs with 50,000 or more public housing units and vouchers, the first Equity Plan must be submitted by 24 months after the proposed rule's effective date or 365 days prior to the date for which a new five-year plan is due following the start of the fiscal year that begins in January 2024, whichever is earlier.
- For each PHA with 10,000–49,999 public housing units and vouchers, the first Equity Plan must be submitted no later than 365 days prior to the date for which a new five-year plan is due following the start of the fiscal year that begins in January 2025.
- For each PHA with 1,000–9,999 public housing units and vouchers or PHAs that operate statewide, the first Equity Plan must be submitted no later than 365 days prior to the date for which a new five-year plan is due following the start of the fiscal year that begins in January 2026.
- For each PHA with less than 1,000 public housing units and vouchers, the first Equity Plan shall be submitted no later than 365 days prior to the date for which a new 5-year plan is due following the start of the fiscal year that begins in January 2027.

Within 100 calendar days after HUD receives the Equity Plan, HUD will either accept or reject the plan; if HUD rejects the plan, HUD will inform the program participant the reasons why and actions they may take to resolve the nonacceptance.

## Transparency, Oversight, and Accountability

New opportunities for transparency, oversight, and accountability are included throughout the 2023 proposed AFFH rule:

- Program participants will make drafts of the Equity Plan available for purposes of community engagement and HUD will publish submitted Equity Plans on a website for public access.
- HUD will accept information from the public during its review of the submitted Equity Plan.
- HUD will require annual progress evaluations regarding progress made on each goal.
- Failure to have an accepted Equity Plan at the time of the consolidated plan or PHA plan (or special assurances that the program participant will submit its Equity Plan by a specified date) will lead to the disapproval of a consolidated plan or PHA plan, and failure to comply with special assurances will jeopardize funding.
- Complaints may be submitted to HUD by an individual, association, or other organization that alleges that a program participant has failed to comply with their obligation to adhere to the AFFH rule. The responsible civil rights official will investigate complaints and may periodically conduct reviews of program participants to ascertain whether there has been a failure to comply with the program participant's obligation to affirmatively further fair housing under the Fair Housing Act.
- Proposed regulatory provisions relating to the filing and investigation of complaints and HUD's procedures for obtaining compliance are consistent with the oversight and enforcement mechanisms that exist for other federal civil rights statutes that HUD implements.

### 3.0

## The Federal Rulemaking and Commenting Process

**Below:** *(50th Anniversary of the Fair Housing Act Opening Ceremony by U.S. Dept. of Housing and Urban Development (HUD).)*



## Federal Rulemaking and Commenting Process

Federal agencies implement laws passed by Congress through regulations. When they create new regulations, agencies are legally obligated to request comments on those proposals from all members of the public under Section 553 of the Administrative Procedures Act.<sup>4</sup> Public comment is an accountability mechanism that is critical to the federal rule-making process. Procedurally, all proposed regulations are required to be published in the *Federal Register* for the public to access and submit comments within a window of time. The agency proposing the regulations must then take into consideration all comments received and reply to them when writing the final regulation.

Generally, public comment periods last 60 days, starting from the day the proposed rule is published in the *Federal Register*. Agencies can group together similar comments, such as form letters, but must ultimately publicly respond to each one regardless of whether it was incorporated into the final rule. If a comment **is** incorporated into the final rule, the agency must explain why they decided to do so. If a comment **is not** incorporated into the final rule, the agency must also explain why, such as being out of the agency's scope of enforcement. Rules cannot be arbitrary or capricious, and they must take into account evidence and research. This is why it is helpful to incorporate data and clear citations within public comments—it can lead to tangible and meaningful change in regulations.

## What Is a Public Comment?

A public comment provides relevant feedback, in the form of data, views, or arguments, on an agency's proposed rule as it is being considered by the federal government. Comments may be made online or in print. One of the most powerful aspects of the public comment process is that it offers all people, not just elected and appointed officials or federal staff, the opportunity to shape a rule that will impact their lives and communities. The public comment process is an essential piece of our democracy because everyone is welcome to submit one, and the proposing agency must read and create a response to each one that is published publicly. Comments can be used to uplift components of a proposed rule that one supports, share suggestions to edit or omit parts of a proposed rule that one opposes, provide a position that the agency did not consider while drafting, or expose regulations that are arbitrary or capricious.

## Submitting a Powerful Comment—4 Key Components

**Below:** Affordable For Whom Convening, August 2019, NYC  
(AFW 1 Kamau Walton\_1177 by [Right To The City](#) is licensed under [CC BY 2.0](#))



Providing comments on a proposed rule by the federal government is a crucial way for community concerns to be elevated throughout the policymaking process. While comments can be provided in support of or in opposition to aspects of the rule, commenters should focus on specific goals and viewpoints they would like to communicate in their comments through specific policy options.

A strong comment has many components, including the following:

- Captivating and persuasive introduction
- Concise overview
- Clear position in support of or against the strength of the rule with robust evidence supporting those major concerns
- Clear flow to the discussion of concerns regarding the proposed federal rule

Your comment can be as short or as long as you need to get your main points across. But, no matter the length, ensuring that your points are made clearly, with enough robust evidence and viable alternative suggestions that clearly help the reader understand where you stand on the proposed AFFH rule's strength is of the utmost importance. Ultimately, you want your comment to be so clear that reviewers will easily understand the essence of your comment without too much additional nuance needed. This section covers all the details you need to incorporate into your public comment and provides helpful visuals and checklists to use as you prepare to send your feedback to HUD.

To prepare for writing an effective public comment, we encourage you to take the following steps:

1. Review the proposed AFFH rule or review “2023 Proposed AFFH Rule Key Components” in Section 2 of this guide, which provides an overview of the proposed AFFH rule to identify some areas to focus on in your comment.
2. Take careful note of any specific questions or requests for information that are explicitly asked for in the proposed AFFH rule and try to address what you can (but do not feel obligated to respond to every question or request for information).
3. Clearly establish your stance: Does the proposed iteration of the AFFH rule work to achieve our collective equity goals? If not, how should the proposed AFFH rule be strengthened further to achieve equitable, inclusive communities?
4. Take some time with this section of the guide to ensure you cover all major elements of an impactful comment.

# Visualize Your AFFH Comment

Date  
Address of department you are contacting

The docket number and the subject matter

Greeting,

The introduction and overview will set the tone for the rest of your comment. In the introduction and overview, add information about:

- Yourself or organization
- Your location and the scope of your work
- Your reaction to the rule
- An overview of your concerns and suggestions

**Major concern 1**  
Details about your concerns with supportive arguments and data.

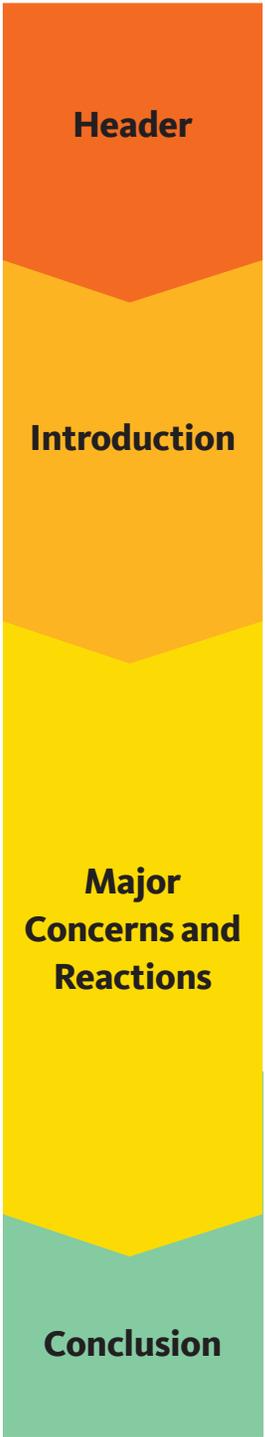
**Major concern 2**  
Details about your concerns with supportive arguments and data.

**Major concern 3**  
Details about your concerns with supportive arguments and data.

Use this section to explain your reaction to and concerns about the rule with data and provide suggestions for improvement. Be clear and organized in this section and cite your sources.

Try to uplift your equity concerns throughout all of your main points.

Close it out! Wrap up all of your points from above by summarizing your reactions, concerns and suggestions.



## What to Focus on in Each Section

### Header and Introduction

The first section of a strong comment is the header and introduction. While the header will incorporate basic information that does not need to change from comment to comment, it is important to ensure your comment is easily identifiable for HUD reviewers. Just like an essay, a strong introduction is key to setting the tone for the rest of your comment. This section walks you through the elements needed for a clear and effective introduction within your comment.

#### Header

Your comment should be addressed to:

Regulations Division  
Office of General Counsel  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

#### PolicyLink

February 1, 2023

Regulations Division  
Office of General Counsel  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

**Re: Docket No. FR-6250-P-01, Affirmatively Furthering Fair Housing**

Adding in an address is a fairly uniform requirement for all comments, especially if you decide to mail, fax, or email your comment. If this is the case, be sure to check important addresses related to the rule.<sup>5</sup> However, if you decide to submit your comment through an online portal, the address may not be necessary, **but** be sure to identify the Regulations Division and Department of Housing and Urban Development as this may be crucial for identifying the rule on which you are commenting and where it goes for review. More information on how to submit your comment can be found in the section entitled **“How and Where to Submit Your Comment.”**

#### Docket information

You should be sure to add the docket number and the topic of the rule for identification. The AFFH rule will have the following docket number:

**Re: Docket No. FR-6250-P-01, Affirmatively Furthering Fair Housing**

Think of this as a barcode for your comment—you want to make sure federal government staff can see that your comment is in regard to the proposed AFFH rule and not another rule that is also receiving comments. It is best practice to also bold this docket number identifier and subject of your comment so that it is easily seen.

#### Greeting options

While the greeting is not absolutely necessary, sometimes it is worth having to support the flow of your comments. Options include “Dear Madam/Sir” or “To Whom It May Concern.” Do not spend too much time deciphering the best greeting. Simply starting your comment and writing down your thoughts is most important here!

#### Introduction

Several key elements must be integrated within the introduction. The introduction first and foremost is an opportune moment to introduce yourself or the organization you represent.

- **If you are writing from an organization**, provide some information on your mission and the type of work you do.
- **If you are writing individually**, introduce yourself with a first name, pseudonym, or as a “resident” and provide your credentials or experiences with local housing issues that will help readers understand your background and perspective for what you will cover. You can continue to the section of this guide titled, “Writing as an Individual,” to help you with your writing.

Next, within the introduction, you should try to clearly portray your reaction to the rule—explain whether you are in support of strengthening the rule or are content with the current proposed iteration. You should also include the approach you or your organization are bringing into your comment. For example, is your organization focused on racial equity and justice? Be sure to state that and provide information on how you or your organization’s mission aligns with your current motivation to support the creation of a strong rule.

Included here are a few examples of strong, engaging introductions.



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U.S. Department of Housing and Urban Development  
Regulations Division, Office of General Counsel  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

September 17, 2013

**Re: Comments on Docket No. FR-5173-P-01, Affirmatively Furthering Fair Housing (AFFH)**

To Whom It May Concern:

The Lawyers' Committee for Civil Rights Under Law along with the Washington Lawyers' Committee for Civil Rights and Urban Affairs, the Chicago Lawyers' Committee for Civil Rights Under Law, and the Mississippi Center for Justice, all of whom are affiliates of the Lawyers' Committee, writes to submit our comments regarding the proposed rule published by the U.S. Department of Housing and Urban Development (HUD) on July 19, 2013 (78 Fed. Reg. 43710), addressing the affirmatively furthering fair housing (AFFH) provision of the Fair Housing Act (FHA). The Lawyers' Committee, which was formed 50 years ago at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination, has been heavily involved in the struggle for fair housing and equal access to community assets.

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## PolicyLink

September 17, 2013

Regulations Division  
Office of General Counsel  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

**Re: Docket No. FR-5173-P-01, Affirmatively Furthering Fair Housing**

PolicyLink applauds the U.S. Department of Housing and Urban Development for taking this necessary step towards clarifying and strengthening the federal government's obligation to further fair housing. Housing choice – especially for low-income communities and communities of color -- is a critical component of equitable and economically prosperous regions.

As the nation becomes a majority people-of-color country, the face of many neighborhoods is changing in the process, but the persistence of deep and entrenched patterns of segregation continues. Where integrated neighborhoods exist, it is because of gentrification, the suburbanization of poverty, or because of intentional efforts to promote and maintain diversity. Some of these neighborhoods are very stable, but many of them are not. We commend HUD's advancement of fair housing as supporting the dual priorities of mobility for people of color, families, and people with disabilities – as well as investment in neighborhoods that have been left behind. The complicated and changing nature of the geography of opportunity is an indication that we need a 21<sup>st</sup> century imperative to fulfill the Fair Housing Act of 1968.

## Overview

The overview of a comment allows you to concisely package all of your main points into the beginning of your comment. This section should not be too long (a paragraph or two at the most) because it should give readers a brief opportunity to understand what your position is on the strength of the rule to pursue equity, what your major concerns are, and the alternatives you propose. This overview should serve as the top-line points you want a reviewer to take away from your comment.

### **Introduce your location or your scope of work**

It will be helpful for reviewers of comments to understand what part of your life experiences or work informs the positions you take in your comment. Depending on the scope of your work, if you are writing on behalf of a community-based organization, you should take some time to provide two to three sentences about the barriers to fair housing and the opportunities you see within your community. Be sure to provide information and cite your data sources.

Some possible topics to write about include the following:

- Access/proximity to jobs
- Availability of affordable housing across housing tenure types
- Concentrated poverty
- Discrimination based on a previous arrest record
- Environmental injustice or racism
- Eviction rates
- High unemployment
- Housing accessible to community members with disabilities
- Information about disparate achievement gaps from racially concentrated areas of poverty
- Information on climate resiliency
- Racial/ethnic segregation
- Transportation inequities (i.e., access to public transportation)

In this same section, write a quick account of your reaction to the rule, what you believe is addressed well, and the concerns you are going to address in the rest of your comment. For example:

- Does the rule provide enough guidance to jurisdictions to create achievable AFFH goals or metrics?
- Does the rule prioritize enough areas for local knowledge of AFFH issues to be incorporated?
- Does the rule provide community engagement and participation mechanisms for local knowledge to inform future community development?
- Does the rule have strong and realistic enforcement mechanisms?
- Does the rule pay enough attention to combating racial inequities and other inequities experienced by members of protected classes (race, national origin, sex, religion, color, disability, and familial status)?

September 17, 2013

Regulations Division  
Office of General Counsel  
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**Re: Docket No. FR-5173-P-01, Affirmatively Furthering Fair Housing**

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As the nation becomes a majority people-of-color country, the face of many neighborhoods is changing in the process, but the persistence of deep and entrenched patterns of segregation continues. Where integrated neighborhoods exist, it is because of gentrification, the suburbanization of poverty, or because of intentional efforts to promote and maintain diversity. Some of these neighborhoods are very stable, but many of them are not. We commend HUD's advancement of fair housing as supporting the dual priorities of mobility for people of color, families, and people with disabilities – as well as investment in neighborhoods that have been left behind. The complicated and changing nature of the geography of opportunity is an indication that we need a 21<sup>st</sup> century imperative to fulfill the Fair Housing Act of 1968.

We need a comprehensive fair housing policy that acknowledges that expanding opportunity for all requires *alignment* across federal programs and investments, *enforcement* of guidance to ensure that policy translates as intended in local communities, and *innovation* in methods of assessing and developing fair housing goals and strategies that take into account the latest research. Below, we suggest some modifications to strengthen the proposed Affirmatively Furthering Fair Housing Rule:

**Alignment:** Towards an Integrated Federal Policy Framework for Opportunity

In the example provided, the comment clearly provides the reaction of the organization to the draft rule and provides an overview of the topics that will be discussed throughout the comment. Even if you do not believe the current state of the proposed AFFH rule is strong enough to achieve your or your organization's goals, it is important to acknowledge that this is an opportune moment for communities across the country to design their own housing futures by providing feedback to strengthen the rule. Additionally, this is a great place for you to emphasize the key role that HUD and the federal government must play in pursuing AFFH as mandated by the Fair Housing Act.

## Reaction to the Rule, Major Concerns, and Recommendations

This section contains the bulk of your comment, and it is where you will expand on your major concerns regarding the proposed federal rule. It is important to provide really clear language, data to support your claims, and concrete suggestions to the proposed AFFH rule. Overall, this section should aim to complete three things:

- Communicate your stance on the strength of key pieces of the proposed rule to advance equitable housing futures.
- Provide a rationale (with cited evidence) for why you are for or against the strength of any element of the draft rule.
- Offer suggestions for improvement or provide perspectives on the pros and cons to elements of the rule. This is a critical section to include because constructive comments to improve the rule will matter substantially to the reviewers and policymakers at HUD.

When you are putting forward your reaction to the proposed AFFH rule, whether you are in agreement or disagreement with how the rule is currently presented, you should provide information on why you agree or disagree. You should then aim to support your claims with evidence from quantitative and qualitative data sources, academic studies, reports, newspaper articles, and the experiences of people in your community or people whom you work with or serve. Be sure to also communicate why the research is important to consider in relation to the AFFH rule when discussing the evidence that you put forward. During this section you can also bring forward HUD's mission and discuss how you feel the proposed rule fits or does not fit in with their stated mission.

### US Department of Housing and Urban Development Mission Statement:

“HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business.”<sup>6</sup>

Finally, if you disagree with the strength of all, or parts, of the proposed AFFH rule as drafted, you should offer your suggestions and policy options for HUD to integrate into the final AFFH rule. However, if you are unsure of what alternatives to provide within your comment, simply providing your perspective on the benefits and limitations of other possible options in a discussion can also be useful. Below are some concerns PolicyLink identified with the 2021 Interim Final AFFH rule that should be addressed within the new proposed AFFH rule; you can adapt or use these statements to inspire your own recommendations to the proposed rule.

- **HUD must reset legal requirements for local planning processes and fine-tune implementation of the rule and coordination with other federal agencies with an all-of-government approach.**
- **Establish more specific short- and long-term performance measures so that community members can track progress on affirmatively furthering fair housing:** The rule should 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 also identify a process by which grantees will have access to consistent capacity building opportunities.
- **Provide clearer language on the official complaint and approval process for local Assessments of Fair Housing:** HUD’s capacity to be an accountable partner through clearer enforcement needs to be strengthened. This is necessary to both ensure that local obligations are being met and reduce the risk of litigation. Is there a clear process for local groups to object to a jurisdiction’s AFFH plan? What is the process for HUD to review the objection?
- **Develop a new federal interagency partnership to advance housing equity:** A federal interagency partnership would be responsible for aligning fair housing, civil rights, and equal opportunity goals across the range of federal grants and investments.
- **Encourage and incentivize other federal agencies to further fair housing:** The rule needs additional language and HUD leadership to ensure that other federal agencies—such as the Department of Transportation (DOT), Environmental Protection Agency, Economic Development Administration (EDA), US Department of Agriculture (USDA), and Department of the Treasury—issue complementary guidance to further fair housing, and encourage their grantees to use similar data and metrics in related analyses on local infrastructure and economic investments. More incentives should be provided in the final AFFH rule to encourage regional collaboration on allocation of community development block grants and other HUD funds, in addition to DOT, EDA, USDA, and other federal funds.

Finally, think about adding some rebuttals to counterpoints from others who may not agree with the position you are taking in your comment. Plenty of narratives can take away from the importance of centering equitable neighborhoods that you want to advocate for. We encourage you to use framing examples that we outline in Section 5 to bring forward an important viewpoint about racial equity and justice in various sectors.

## Conclusion

The conclusion is the place where you wrap up all of the points in your comment. You do not have to spend much time on the conclusion because you have already spent a lot of time and effort on your comment. This is where you can re-summarize your reactions to the rule and suggestions for improvement that were already outlined in previous sections of your comment. Although this may seem redundant, incorporating this quick look at your main points can help a reader quickly identify the main elements of your comment.

## Uplifting Equity in Your Comments

PolicyLink ignited the racial equity movement 20 years ago and is now leading with a national, shared, structural change policy agenda to redesign the nation so that it works for all and realizes the promise of equity. [The Winning on Equity®](#) framework requires addressing the structural, political, and cultural barriers that have held the nation back from its founding by ushering in a multiracial democracy, creating an equitable economy, and building thriving communities. At PolicyLink, equity means that systems and policies are designed to meet the needs of the most impacted communities and that investments support human capabilities—resulting in opportunities and improved outcomes for everyone.

We encourage you to write about and include in your comments the need to center and pursue equity within what will become the final AFFH rule. These are questions that we hope you will use when evaluating the current draft of the proposed AFFH rule and your own comment’s focus on uplifting equity concerns.

## Equity Lens for Draft Rule Analysis

Equity Considerations	Proposed AFFH Rule	My Comment
Equity consciousness: historical and systemic framing	Does the rule demonstrate an awareness of systemic racism, segregation, and discrimination, and how that plays into fair housing issues?	Do I provide the historical context of my community, state, or the nation that has contributed to present-day inequities? Do I communicate an awareness of the ways systemic racism is present in housing issues? Do I uplift the need to bring this perspective into consideration?
Race consciousness	Does HUD identify the differing housing needs and disparities that exist among different racial and ethnic communities? Does HUD uplift the AFFH rule as a means to addressing those inequities?	Do I name the different racial and ethnic disparities that exist in housing issues in my community? Do I mention how my recommendations will help to address inequities among various racial and ethnic groups?
Prioritization of equity	Does HUD explicitly name equity as a priority that jurisdictions should prioritize when completing fair housing assessments?	Do I explicitly name equity as a priority that should be uplifted within the AFFH rule and process? Do I provide enough explanation to support this claim?

Equity Considerations	Proposed AFFH Rule	My Comment
Equity in stakeholder representation	Does the rule illustrate the importance of achieving fair housing for tenants and homeowners?	Do I mention groups (like tenants or people with disabilities) who should be specifically taken into consideration within the proposed AFFH rule?
Equity through data	Does HUD illustrate plans or encourage localities to use data disaggregated by race and other demographics to understand inequities and guide decision-making?	Do I incorporate data disaggregated by race and other demographic groups when describing housing inequities in my comment?  Do I illustrate how this information has helped guide decision-making in my own work or in my community?
Assessment of past and present goals and actions	Does HUD mention the ways it has uplifted and continues to uplift equitable policies through their work?  Does HUD provide insight into how its strategic planning aligns with the AFFH rule and its ability to help jurisdictions achieve equitable outcomes?	Do I mention and provide examples of the ways my organization uplifted and continues to uplift equitable policies in our work?  Do I mention how our mission aligns with these equitable policies and our interest in the AFFH process being similar in alignment?
Accountability and enforcement	Does the rule provide strong enforcement mechanisms that can keep groups who do harm accountable for their actions?  Are there mechanisms in place to keep jurisdictions accountable for minimizing and redressing existing inequities?	Do I provide a strong, clear perspective on what I or my organization believe would be necessary for effective enforcement and accountability?  Do I communicate a perspective that takes into consideration past harmful policies that created these inequities?
Procedural equity	Are there explicit opportunities for local community participants to bring forth their experiences and perspectives into the assessment process?	Do I uplift the need for community-informed decision-making and the potential this process has for creating equitable communities?  Do I provide examples to HUD of what a successful, community-informed decision-making process looks like and how it can be executed?
Reparative equity	Does the rule name reparative work as a critical component of achieving equitable, healthy communities of abundant opportunity?  Does the rule provide opportunities or guidance around supporting reparative work for past and present injustices?	Do I uplift the need for reparative frameworks, objectives, or goals to be integrated in an AFFH rule or Equity Plan process?  Do I provide some examples or illustrate some ways in which the AFFH rule or Equity Plan process can prioritize reparative work?

## Housing Futures Principles

Overall, we recommend that within your messaging and communication that you take an approach that advocates for everyone to have a safe, stable place to call home. PolicyLink has created a Housing Futures Platform to help us all pursue a strong AFFH rule to support just housing futures. This platform can also help guide your writing process by incorporating some of the following points into your comment.

- **Communities most affected by disinvestment should shape our housing futures.** Communities that have been systematically denied opportunities for fair housing over generations should have a seat at the table when designing new housing policies and investments, and they should be able to hold government accountable for its actions.
- **Protect and prioritize renters and homeowners at risk of displacement.** Bolstering renter and homeowner protections against displacement and eviction is critical to building community and family health and stability.
- **Ensure freedom from housing discrimination.** No matter your race, class, disability status, sexual orientation, gender, or religion, everyone should have a safe, stable home.
- **Expand opportunities and housing options for those in disinvested neighborhoods.** New investments can open opportunities for residents of disinvested neighborhoods to access quality schools, jobs, transportation, and other public services—and ultimately offer them expanded housing options.
- **Build a future where all neighborhoods allow communities to thrive.** Today, a person’s zip code strongly influences the quality of life they can expect. By directing our public funds to neighborhoods that have faced generations of divestment, we can build a future where people in all zip codes can thrive.

## Writing as an Individual

You may be writing as an individual instead of as a part of an organization. If that is the case, we recommend that you write your reactions to the new rule in a way that reflects your personal experiences and the ways existing inequities or housing justice solutions have impacted you and your community. Ultimately, writing as an individual allows you to evoke your personal experiences with housing instability, or in the lives of others in your community, and the ways you think HUD can prioritize ensuring fair housing. Below you can find guidance on writing your comment as an individual.

### Protect Your Personal Information

Be sure to refrain from sharing any personally identifiable information when commenting. Do not provide your full name, address, or phone number in the comment because your comment may be publicly disclosed in a docket or on the internet. In order to protect yourself and your ability to freely provide your feedback, we suggest that you only provide the city where you live and your first name, a pseudonym, or simply say you are a “concerned resident of [your city].”

### Greeting and Introduction

You can keep the same format for a greeting and opening as outlined above for an organization, but the introduction will need to change slightly to incorporate your personal experiences. First, be sure that you give enough detail on the place that you call home—describe where it is and how long have you lived there. Next, provide some insight into who you are as a person and as a member of your community—explain what about your identity motivated you to comment on the proposed AFFH rule. This is where you can bring in how housing inequities in your community have affected you, your loved ones, or your neighbors directly. Provide examples from your life if you are comfortable doing so.

## An example of an individual's comment on the 2015 AFFH Rule

Comment

As a resident of one of the most-segregated regions in the country, I know first-hand how efforts to promote and implement fair housing have failed here in New York. That is why I support the proposed improvements to HUD's Affirmatively Furthering Fair Housing regulations. Any federal funds – money generated from my taxes – that is spent on developing housing should be intended the tear down the wall of predestination and separation, and not continue the destructive and extensive practices of housing discrimination; it is heartening to see that HUD has suggested administrative rule changes that would do just that.

Without the clear guidelines proposed in the Assessment of Fair Housing, too many developments have been approved with, at-best, a vague analysis on the impediments to fair housing. Forcing localities and developers to distinctly identify the issues that may inhibit fair housing, and to spell out how they will take proactive measures to address them, is a significant and important improvement.

Additionally, the community is often alienated from and shut out of the decision-making process, as they feel powerless without the adequate information needed to appraise the situation. Increasing the information available and encouraging greater participation always advances the democratic process, which makes housing discrimination more difficult.

I would however like to echo the recommendations of NLIHC, recommendations that are needed to make this rule stronger in light of the staggering problems of inequality that still exist. → **Transition into substantive recommendations**

→ **Strong introduction and reaction towards the rule**

→ **Projected community impact example**

→ **Strong emphasis on recommendation**

## Reactions and Recommendations

Based on the comment itself, formulate your reaction to the draft rule. Which parts need to be strengthened, and why? You do not have to read the full document if you do not have the time, but we encourage you to at least review some high-level summaries to inform your perspectives and recommendations.

- Do you think this proposed rule does enough to help localities pursue fair, affordable, and accessible housing in your community?
- What recommendations do you have?
- What perspectives do you think are missing from the proposed AFFH rule?
- Does the proposed AFFH rule align with your own personal or community values?

Be sure that you are especially clear in this section because it will hold the main arguments that will help inform HUD's decisions on the rule. If you are citing any research or data, be sure to cite your sources.

## Projected Community Impact

Finally, if you work in your locality in a professional capacity as an organizer or volunteer with a community-based organization, or you just care about your community, be sure to mention the history of your work to support your community. Ultimately, providing this background will help to build credibility for how you believe the rule will affect you, your loved ones, and other community members. Clearly explain how you think the rule would impact your community and provide information to back up your claim through examples or data.

### Your Go-To Comment Checklist

Use the following checklist as you prepare your comment.

- Did I address my comment appropriately (identify intended offices to receive comment—Regulations Division, Office of General Counsel, and Department of Housing and Urban Development)?
- Did I correctly identify the proposed rule and provide the docket number for the rule I am commenting on?
- Did I provide sufficient credentials for myself or my organization?
- Did I introduce my perspective and an overview of my concerns in my introduction?
- Did I provide robust information on the unique inequities my community is facing?
- Did I provide enough evidence to make the case for all of my major concerns?
- Are the data sources reliable and relevant?
- Did I cite all of my sources?
- Did I provide a clear explanation for my concerns?
- Did I offer some suggestions for improving the proposed rule?
- Did I conclude with a final summary of my main points?
- Did I have someone review my comment?
- Did I ask someone who does not work closely with me in the same line of work or organization to review my comment? (This is important to prevent the use of jargon in your comment so that it is easily understood by a variety of audiences.)

## How and Where to Submit Your Comment

There are three ways to submit your comment.

### 1. Submit electronically using the [Regulations.gov](https://www.regulations.gov) website.

Locate the AFFH docket by using the search bar at the top of the page and the docket number, or scroll down to see “What’s Trending.” Once you access the AFFH comment page, select the blue “Comment” button on the left side of the page. This will direct you to a page where you can either copy and paste or attach your comment. Be sure to save your public comment on a document such as Microsoft Word or Google Docs so that it can easily be attached or copied and pasted into the form provided. It is **highly recommended that you upload your comment as a file.**

Note: For copied and pasted comments, you are limited to 5,000 characters, and hyperlinked text does not remain hyperlinked when pasted. For attached comments, files cannot exceed 10 MB. Valid file types are .bmp, .docx, .gif, .jpeg, .jpg, .pdf, .png, .pptx, .rtf, .sgml, .tif, .tiff, .txt, .wpd, .xlsx, and .xml.

**Note:** [Regulations.gov](https://www.regulations.gov) is the Federal Rulemaking Portal through which over 300 agencies invite public comments. After the comment period ends, HUD will post all comments received on this site so that the public can find and read all comments submitted regarding the rule.

### 2. Submit your written comment via postal mail.

Not everyone who wants to comment will have access to the internet, so mailing comments is an option. Those who wish to submit public comment by mail should address their comment to:

Regulations Division, Office of General Counsel  
Department of Housing and Urban Development  
451 7th Street SW, Room 10276  
Washington, DC 20410-0500

**Note:** HUD prefers electronic submission because it allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public.

- ### 3. Sign-on to the Alliance for Housing Justice’s comment.
- The Alliance for Housing Justice (AHJ) will be developing a comment that individuals and other organizations can sign on to after submitting their own comment. AHJ will then submit the sign-on comment to HUD.

**Note:** PolicyLink is a proud member of the [Alliance for Housing Justice](https://www.allianceforhousingjustice.org), a coalition that was formed to address the nation’s affordable housing and displacement crisis by building and supporting the infrastructure for a powerful, grassroots-led housing justice movement.

## Deadline

The deadline for public comment on the proposed AFFH rule is 60 days from the date of publication of the NPRM in the *Federal Register* (not publication on HUD’s website). The NPRM for the proposed AFFH rule was published in the *Federal Register* on **February 9, 2023**, and the deadline for public comment is **April 10, 2023**.

# AFFH Matters for Equity Advocates in All Policy Areas

**Below:** “Joining Circles” by Eduardo Pineda and Joaquin Newman (1075 62nd St by [William Newton](#) is licensed under CC BY 2.0)



Ensuring a robust AFFH rule will require more than just the knowledge and expertise of fair housing advocates—it calls for the collective voice of all whose work relates to creating geographies of opportunity. We encourage individuals and organizations working on the following issues to join in submitting public comments on the AFFH rule: housing, education, transportation, environmental justice and climate equity, workforce development and economic equity, community safety and justice, and public health. Housing is the cornerstone for an abundance of outcomes—for that reason, we all share an interest in creating a strong AFFH rule.

## **Why Cross-Sector Shaping of the AFFH Rule Is Important**

Although the AFFH rule is a federal rule, it is implemented regionally and locally. The AFFH rule supports integrated assessment and planning approaches that can more closely examine and address patterns of disinvestment and barriers to opportunity. If successfully implemented, AFFH can help align investments in transportation, education, housing, infrastructure, public health, and economic development to foster access to opportunity for those currently being left out, and undo the harmful impacts of disinvestment in Black and Brown communities. Taking the time to help shape the proposed AFFH rule will have implications for your local AFFH planning process and develop assessment tools that can be used as an ongoing resource to support equitable community development.

Comments from people and organizations working outside of the housing field should lead with the need for HUD to require the use of a local planning process or assessment tool that mandates an analysis of disparities in access to key opportunities for protected classes, including access to high-quality jobs and education. A local planning process or assessment tool is crucial because it will act as a mechanism for cross-sector partners to advance meaningful work related to fair housing at the local level (e.g., advance antidisplacement policies for renters when new investments are made in public transportation).

## A Comment Guide by Sector

### Housing

If you care about housing, you have a stake in AFFH because:

- Where jurisdictions invest housing dollars dictates where people live and which community assets they have access to in their communities.
- Tenant protection policies passed and implemented by jurisdictions advance access to stable housing and prevent the displacement of Black communities, other communities of color, and protected-class communities.
- As our nation's immigrant and refugee populations grow, language barriers can create significant obstacles for individuals with limited English proficiency to access safe and stable housing. Strengthening laws and enforcement around language access can prevent exploitation and discrimination.
- People with disabilities experience poverty at more than twice the rate of people without disabilities.<sup>7</sup> This, compounded with our nation's shortage of disability-forward housing, means that people with disabilities struggle to establish housing stability. Maintaining the right to reasonable accommodations ensures that any tenant with a disability can request changes in any rule, policy, procedure, or service needed for them to have equal access to and enjoyment of their home.

Examples of what to include in your comment:

- The final AFFH rule must provide clear requirements and guidelines to jurisdictions on how to assess whether households that are members of protected classes have equal access to rental housing and homeownership, analyze the factors contributing to disparities, and meaningfully advance solutions.
- The rule must acknowledge and address the fair housing implications of eviction and displacement on protected-class communities, and the devastating impacts that a lack of adequate renter protections has on community and family health and stability.

- Emphasize the importance of local data and knowledge when engaging in local fair housing planning.
- Emphasize the importance of also developing affordable housing outside of segregated neighborhoods. This has also been framed as addressing racially concentrated areas of affluence in addition to racially concentrated areas of poverty.
- Stress the importance of requiring a genuine community participation process for regional and local fair housing planning, so that grassroots organizers, racial equity advocates, and tenant groups can have a meaningful voice.
- Emphasize the use of regional and local fair housing processes to assess which protected classes are hardest hit by Covid-19 and inflation.
- Urge HUD to require jurisdictions to consider data on eviction filings in their fair housing planning process.
- Urge HUD to require jurisdictions to consider data on the rise of private equity and corporate landlords in local housing markets, especially given their increased likelihood to increase rents and neglect properties.<sup>8</sup>
- Demand that the Federal Housing Finance Agency play an active role in encouraging or requiring its funding recipients to coordinate with the AFFH process, including limiting lending to private equity firms to prioritize first-time homebuyers.

#### What a Strong AFFH Rule Can Accomplish in Housing

Philadelphia, Pennsylvania: In 2017, the City of Philadelphia, using the 2015 AFFH rule, conducted its Assessment of Fair Housing (AFH), a process that engaged community members, including tenants and grassroots organizers.<sup>9</sup> Due to the advocacy and organizing work of tenants, the AFH resulted in the city establishing goals, such as increasing representation for low-income tenants in eviction court. In 2019, the Philadelphia City Council voted unanimously to pass a renter's right to counsel ordinance, guaranteeing all low-income renters access to an attorney to fight their eviction. The program went into effect in February 2022.

## Education

If you care about education, you have a stake in AFFH because:

- State and local K–12 education policies are closely related to housing and urban development outcomes in how they impact access to high-performing schools for members of protected classes.
- Housing affordability issues often drive socioeconomic and racial diversity in neighborhoods as well as the ability of school staff to live near where they work.
- Housing quality and stability impact school attendance and issues like chronic absenteeism.
- Housing allocation decisions can affect population shifts and school funding.

Examples of what to include in your comment:

- The final AFFH rule must provide clear requirements and guidelines to jurisdictions on how to assess whether families who are members of protected classes have equal access to high-performing schools, analyze the factors contributing to this disparity, and meaningfully advance solutions.
- The rule must acknowledge and address the fair housing implications of eviction and displacement on protected-class communities, and the devastating impacts that a lack of adequate renter protections has on educational outcomes and student success.
- Stress the importance of requiring a genuine community participation process for regional and local fair housing planning so that education advocates, school board members, school staff, students, and parents can have a meaningful voice.
- Emphasize the use of regional and local fair housing processes to assess which protected classes are hardest hit by inequities in the public education system.
- Urge HUD to require states, local governments, and housing authorities to consult with school authorities and examine education-related issues.
- Encourage data-sharing agreements between school systems and housing authorities/providers so that connections between housing and education outcomes can be analyzed, with particular attention to chronic youth homelessness and other housing instability issues.
- Demand that the Department of Education play an active role in encouraging or requiring its funding recipients to coordinate with the AFFH process.

### What a Strong AFFH Rule Can Accomplish in Education

New Orleans, Louisiana: In its AFH using the 2015 AFFH rule, the City of New Orleans engaged over 100 stakeholder organizations and heard many residents express concern about disparities in access to “good schools,” the lack of housing near schools, problems with resources at schools, and a desire for schools that were more integrated into neighborhoods.<sup>10</sup> This led the city to make “location of proficient schools and school assignment policies” a high priority in its fair housing goals, writing: “The City’s study and other national studies have shown a direct link between educational attainment and access to other opportunities. Many in protected classes have not had opportunities to further their education and have been subjected to failing schools.”<sup>11</sup>

## Transportation

If you care about transportation infrastructure, you have a stake in AFFH because:

- By better connecting high unemployment communities to job centers through transit, people previously isolated from employment opportunities can better engage in the workforce and contribute to local economies.
- As cities expand their public transportation systems into historically disinvested neighborhoods, the risk of housing displacement increases for low-income residents, especially renters.

Examples of what to include in your comment:

- The final AFFH rule must provide clear requirements and guidelines to jurisdictions on how to assess whether members of protected classes have equal access to frequent public transportation, analyze the factors contributing to this disparity, and meaningfully advance solutions.
- Stress the importance of requiring a genuine community participation process for regional and local fair housing planning, so that metropolitan planning commissions, transportation planning bodies such as DOT-related metropolitan planning organizations that prepare metropolitan transportation plans and transportation improvement plans, transit agencies, transit advocates, transit riders, and residents can have a meaningful voice.
- States, local governments, and housing authorities should be required to align housing and community development priorities with the Infrastructure Investment and Jobs Act and Inflation Reduction Act investment priorities.
- Urge HUD to require states, local governments, and housing authorities to consult with transit authorities and examine transit-related housing issues, such as affordable housing development near transit stops.
- Demand that the DOT play an active role in encouraging or requiring its funding recipients to coordinate with the AFFH process.
- The final AFFH rule must acknowledge and address the devastating impacts that federal highway construction has had on Black and Brown communities by requiring jurisdictions to take reparative actions and investments.
- HUD should require local planning processes to include antidisplacement planning, policies, and mitigation efforts to pair with infrastructure development—not just limited to transportation, but also related to sewers, water service, sidewalks, bike lanes, greenspace, and parks.

### What a Strong AFFH Rule Can Accomplish in Transportation

St. Louis, Missouri: When the City of St. Louis conducted its Fair Housing and Equity Assessment in 2013, they found that Housing Choice Vouchers were not being used in high-income areas, but instead were concentrated in low-income, disinvested neighborhoods.<sup>12</sup> This assessment helped the city confront the negative perception of housing vouchers among residents and local officials, promote education about the benefits of economically diverse communities, assist residents in finding diverse housing choices through web-based tools, and create new transit connections from communities of concentrated poverty to job centers.

## Environmental Justice and Climate Equity

If you care about environmental justice issues, you have a stake in AFFH because:

- Decades of discriminatory zoning practices, federal discrimination, urban renewal, and historic disinvestment in communities of color have led to disproportionate exposure of Black, Indigenous, and other communities of color to climate-related disasters, environmental pollution, or co-location to toxic waste sites.
- Millions of Americans live in communities that do not have access to reliable safe drinking water, and many live in areas where the cost of water is unaffordable.<sup>13,14</sup>
- In recent years, the relationship between fair housing and environmental justice has become increasingly clear. The impacts of Hurricanes Katrina, Sandy, Harvey, Maria, Fiona, and Ian highlight the need for proactive and equitable climate adaptations in planning for housing.
- From rising sea levels and catastrophic floods to wildfires and hurricanes, low-income residents are the least protected when these natural disasters occur, and this is connected to decisions made about whether their homes are weather resilient and energy efficient.

Examples of what to include in your comment:

- The final AFFH rule must provide clear requirements and guidelines to jurisdictions on how to assess whether members of protected classes have equal access to clean air and water and to sustainable and climate-resilient communities, analyze the factors contributing to this disparity, and meaningfully advance solutions.
- HUD should require local planning processes to include climate mitigation and adaptation planning, so that future housing investments take into account the growing number of climate-related disasters and their disproportionate impact on protected classes.
- Urge local jurisdictions to generate guidance on best practices for community land use and site planning, including zoning reforms and transit-oriented development, that promote energy efficiency and hazard mitigation.
- Stress the importance of requiring a genuine community participation process for regional and local fair housing planning, so that environmental advocates, air quality districts, homebuilders, climate scientists and researchers, public health advocates, and residents experiencing disproportionate burdens of pollution can have a meaningful voice.

- Demand that the Environmental Protection Agency play an active role in encouraging or requiring its funding recipients to coordinate with the AFFH process.
- The rule must require jurisdictions to commit to studying and addressing the burden of air quality impacts from mobile sources on protected classes.

### What a Strong AFFH Rule Can Accomplish in Environmental Justice and Climate Equity

New Orleans, Louisiana: In 2011, the Greater New Orleans Fair Housing Action Center and Lawyers' Committee for Civil Rights Under Law completed a People's Analysis of Impediments for New Orleans, uplifting displacement, reinvestment, redevelopment, and gentrification as major concerns for a post-Katrina recovery. They wrote:

"An adequate AI is not complete without a full analysis of the following: ...Decisions and activities causing displacement of residents and businesses particularly post-Katrina revitalization efforts, property tax increases, demolition of assisted housing, ... and relocation policies and practices."<sup>15</sup>

In 2015, Mayor Mitch Landrieu and the Office of Resilience and Sustainability released the city's resilience strategy, in which the expansion of access to safe and affordable housing was listed as a priority. The plan included the launch of New Orleans's Integrated Housing policy, which created a framework through which, "the City will invest in both place and people to expand access to a range of safe, quality housing options that are affordable to them and with access to jobs, services, and neighborhood amenities."<sup>16</sup>

## Workforce Development and Economic Equity

If you care about employment issues, you have a stake in AFFH because:

- When there is a spatial mismatch between economic opportunities (i.e., jobs and training) and affordable, transit-accessible housing, workers and job-seekers face significant cost, time, and logistical hurdles to participating in the local economy.
- Places that support the development of high-quality affordable housing and new infrastructure in disinvested neighborhoods also create new jobs, both in the short and the long term for communities.

Examples of what to include in your comment:

- The final AFFH rule must provide clear requirements and guidelines to jurisdictions on how to assess whether members of protected classes have equal access to jobs, analyze the factors contributing to this disparity, and meaningfully advance solutions.
- The rule must ensure that fair housing assessments support the development of affordable housing near job centers and economic development corridors, and address the mismatch between places where workers of color reside and the location of jobs.
- Stress the importance of requiring a genuine community participation process for regional and local fair housing planning, so that labor unions, economic development agencies, workforce training institutions, chambers of commerce, and workers can have a meaningful voice. Equally important is encouraging participation by agencies and service providers who support and hold up the workforce ecosystem, such as childcare, health care, and other supportive service agencies.
- Ensure that local planning processes look beyond the number of jobs when creating strategies to support low-income and unemployed residents, and consider equally important workforce supports, such as job training, inclusive hiring and contracting practices, provisions for good wages and benefits, and broader community benefits.
- Emphasize the use of regional and local fair housing processes to assess which protected classes are hardest hit by disparities in the workforce.

- Urge HUD to require states, local governments, and housing authorities to consult with economic development agencies and examine labor-related issues.
- Demand that the Department of Labor play an active role in encouraging or requiring its funding recipients to coordinate with the AFFH process, such as ensuring the development of affordable housing near new job centers so that workers providing essential services are not displaced from their neighborhoods.

### What a Strong AFFH Rule Can Accomplish in Workforce Development and Economic Equity

Boston, Massachusetts, and Chicago, Illinois: In a national survey of more than 300 companies, 55 percent of large companies reported an insufficient level of affordable housing in their area, and two-thirds of these respondents cited this shortage as negatively affecting their ability to hold onto qualified employees.<sup>17</sup> Affordable housing availability plays an important role in where new businesses decide to build or expand their operations. In Boston and Chicago, fair housing assessments helped these cities support new affordable homes around growing job centers in order to attract more employers to the area.<sup>18,19</sup>

## Community Safety and Justice

If you care about community safety, you have a stake in AFFH because:

- Individuals who have been involved in the criminal-legal system are disproportionately people of color, people with disabilities, and LGBTQ individuals. Tenant screening practices that use criminal records and credit checks to screen tenants out of homes discriminate against justice-involved people, denying them the opportunity to achieve housing stability post-incarceration and putting them at risk of homelessness and recidivism.
- “Crime-free” housing and nuisance ordinances often allow landlords to evict tenants based on calls for service or criminal activity near tenants’ homes, which disproportionately puts survivors of domestic violence, victims of crime, and those experiencing health emergencies at risk of housing displacement.

Examples of what to include in your comment:

- The final AFFH rule must provide clear requirements and guidelines to grantees on how to assess whether members of protected classes have equal access to safe neighborhoods, and whether people who have prior arrests or convictions have access to housing, analyze the factors contributing to this disparity, and meaningfully advance solutions.
- The rule must ensure that fair housing assessments include an analysis of policing in historically disinvested neighborhoods, such as a comparison of policing budgets and budgets for housing and social services that advance community stability and safety.
- Stress the importance of requiring a genuine community participation process for regional and local fair housing planning, so that residents of neighborhoods experiencing higher levels of violence, organizations and agencies supporting returning citizens’ reentry, parole officers, and legal advocates can have a meaningful voice.
- Ensure that local planning processes look beyond crime levels when creating strategies to advance community safety, such as exploring the relationship between redlining and gun safety.<sup>20</sup>
- Emphasize the use of regional and local fair housing processes to assess which protected classes are hardest hit by inequities in our criminal-legal system, examine how that relates to housing outcomes, and pass policies mitigating their impacts, such as fair chance housing laws and decriminalizing homelessness.

- Urge HUD to require states, local governments, and housing authorities to consult with public safety agencies and include people with lived experience to analyze the impact of policies and practices related to housing issues (such as crime-free housing ordinances), identify the fair housing impediments they create, and identify the steps the jurisdiction should take to overcome the identified impediments, including repeal.
- Demand that the Department of Justice play an active role in encouraging or requiring its funding recipients to coordinate with the AFFH process.

### What a Strong AFFH Rule Can Accomplish in Community Safety and Justice

Minneapolis, Minnesota: In the 2014 Regional Analysis of Impediments to Fair Housing, concerns related to tenant screening practices were uplifted, specifically related to high application denial rates in communities of color due to criteria related to criminal background, credit history, and eviction history.<sup>21</sup> In September 2019, the Minneapolis City Council unanimously passed the Renter Protections Ordinance, which limits tenant screening practices by landlords on the basis of criminal history and other factors.<sup>22</sup> Today, landlords cannot reject applicants due to misdemeanors older than three years, felonies older than seven years, and convictions for more serious crimes with sentencing dates older than 10 years. The ordinance has been in effect since June 2020.

## Public Health

If you care about public health, you have a stake in AFFH because:

- Health equity is achieved when everyone, regardless of race, neighborhood, or financial status, has a fair and just opportunity for health—physical, mental, economic, and social well-being. Attaining this goal means working not only within the health-care system, but also across the many systems and institutions that affect how families live, work, learn, and play.
- Because of government-sanctioned discrimination and predatory private actors, people who live in high-poverty neighborhoods experience higher rates of environmental exposure such as lead and industrial pollution, are less likely to have access to high-quality nutritious foods, have less access to safe parks and recreational facilities, and face higher rates of crime and violence. Even health care is harder to access in high-poverty communities. As a result, there are significant disparities in life expectancy between neighborhoods in the same city.
- Stable, thriving neighborhoods support health. We should all be able to live in socially, economically, and politically thriving neighborhoods with access to resources and relationships that help us stay healthy. Connected neighborhoods that encourage supporting relationships can improve our health by reducing stress, increasing our ability to collectively address problems, building political power, and allowing us to help each other during emergencies. Gentrification and displacement can fracture these connections.
- During the Covid-19 pandemic, the National Community Reinvestment Coalition released a study that found statistically significant associations between redlining and preexisting conditions for heightened risk of morbidity in Covid-19 patients—in short, people who live in previously redlined areas die more frequently from Covid-19.<sup>23</sup> We know that safe housing saves lives. Well-maintained homes help reduce chronic diseases and respiratory conditions like asthma, reduce Covid-19 exposure and outcome risks, and ease recovery—especially for vulnerable groups like young children and elders.<sup>24</sup>

### What a Strong AFFH Rule Can Accomplish in Public Health

Chicago, Illinois: In 2019, the City of Chicago approved the relocation of General Iron, a metal-shredding operation, from a mostly white and affluent neighborhood to a Latinx-majority neighborhood surrounded by Black neighborhoods. Southeast Environmental Task Force, Chicago South East Side Coalition to Ban Petcoke, and People for Community Recovery—environmental justice advocacy organizations who fought to prevent this move—filed a complaint to HUD, alleging that the city discriminated on the basis of race and national origin by facilitating the relocation of General Iron. Residents and community organizers feared the health and environmental impacts of fires, water pollution, toxic emissions, and debris related to the facility. Two years later, HUD's investigation found:

“The City’s efforts to relocate the facility were part of a broader City initiative to shift heavy industry from White neighborhoods in the northeast to Black and Hispanic neighborhoods elsewhere in the city, a policy of shifting polluting activities from White neighborhoods to Black and Hispanic neighborhoods elsewhere in the City.... These consequences are particularly egregious given the longstanding and well-known disproportionate environmental burdens already borne by the Southeast Neighborhoods.”<sup>25</sup>

Most importantly, HUD required the city to adopt an enhanced fair housing planning process that includes planning for overcoming disparities in environmental impacts, which will advance equitable development across Chicago.

Examples of what to include in your comment:

- The final AFFH rule must provide clear requirements and guidelines to jurisdictions on how to assess whether members of protected classes have equal access to health-care services, healthy neighborhoods, healthy food, parks and greenspaces, and healthy homes; analyze the factors contributing to this disparity; and meaningfully advance solutions.
- The rule must ensure that fair housing assessments support the development of affordable housing near health-care services, grocery stores, quality schools, public transportation, economic opportunity, and safe parks. They must also limit or mitigate the risks of affordable housing development in proximity to toxic facilities; in areas at risk of climate change-related disasters; and in areas of elevated air, soil, or water quality risks.
- Stress the importance of requiring a genuine community participation process for regional and local fair housing planning, so that local health departments, health-care workers, social service agencies, housing safety inspectors, reproductive justice advocates, and residents can have a meaningful voice.
- Ensure that local planning processes look beyond the prevalence of disease when creating strategies to support the development of healthy communities, and consider equally important factors that shape health, such as safe environmental conditions, access to high-quality and affordable health care, and a vibrant neighborhood for meaningful social connections. Pairing local planning processes with community health needs assessments and community health improvement plans are one way to align strategies.
- Emphasize the use of regional and local fair housing processes to assess which protected classes are hardest hit by health disparities.
- Urge HUD to require states, local governments, and housing authorities to consult with public health departments to identify communities with worse health outcomes that could be prioritized for resources, identify key community needs, and align AFFH activities with health efforts such as community health needs assessments and community health improvement plans.
- Urge HUD to incentivize collaboration with public health partners through additional funding opportunities made available only to cross-sectoral partnerships.
- Demand that the Department of Health and Human Services play an active role in encouraging or requiring its funding recipients to coordinate with the AFFH process.

# Data and Research Tools to Build Your Case



As you craft your public comment, consider the following data and research tools in building the case for a strong AFFH rule. You may find that specific data sources are not required to strengthen your public comment, but we encourage you to bookmark or save them for future use, because data tools like these will be important when you engage in your jurisdiction's local fair housing planning process to make the case for why specific actions must be taken to remove barriers to fair housing.

- [National Equity Atlas](#) includes deeply disaggregated data on 30+ indicators for jurisdictions across the country, viewed in chart, graph, and map form, e.g., [homeownership](#), [housing burden](#), [school poverty](#), [economic benefits of eliminating housing burden](#).
- [The Shrinking Geography of Opportunities](#) report analyzes the accessibility of high-opportunity neighborhoods over time.
- [Rent Debt Dashboard](#) provides data on who is behind on rent and the estimated amount owed.
- [Urban Displacement Project's Housing Precarity Risk Model \(HPRM\)](#) estimates where households are at the highest risk of eviction, displacement, and long-term poverty.
- [Urban Displacement Project's Eviction Research Network](#) collects, analyzes, and maps eviction data to estimate racial and gender disparities in evictions; highlights include a mapping feature on the state eviction profiles that allow users to add "segregation" and "low income" as a typology layer.
- [KIDS COUNT Data Center](#) includes indicators for all 50 states to track the well-being of children and families, including measures of housing and economic security.
- [Urban Institute](#) provides a catalog of local data sources, including a compilation of [Data and Tools for Fair Housing Planning](#).
- [Diversity Data Kids](#) includes maps and charts that provide a visualization of indices measuring neighborhood conditions children need to thrive.
- [PolicyMap](#) gives users the ability to visualize equitable communities by mapping thousands of indicators using data from across government agencies.
- [Mapping Inequality: Redlining in New Deal America](#) makes the well-known redlining maps of the Home Owners' Loan Corporation available in digital form, as well as the data and textual assessments of the area descriptions that were created to go with the maps.
- [Social Policy Data Lab](#) analyzes and maps data on various topics of social inequality across various counties and cities throughout the country.
- [US Census Bureau - My Community Explorer](#) provides multiple data points on demographics, social characteristics, and local economic activity to help users identify disparities in their communities.
- [AFFH Data and Mapping Tool \(AFFH-T\)](#) is a publicly available, interactive mapping tool that provides access to HUD-provided data.
- Resources from our partners at the [Poverty & Race Research Action Council \(PRRAC\)](#) include the following:
  - [How States Can Affirmatively Further Fair Housing: Key Leverage Points and Best Practices](#)
  - [Housing and Schools: The Importance of Engagement for Educators and Education Advocates](#)
  - [Housing and Educational Opportunity: Characteristics of Local Schools Near Families with Federal Housing Assistance](#)
  - [Working with PHAs to Adopt Policies that Affirmatively Further Fair Housing: An Advocacy Guide and Toolkit for Local Advocates](#)
- Reports that make the connection between housing and a specific sector include the following:
  - [Health Affairs: "Housing and Health: An Overview of the Literature"](#)
  - [Joint Center for Housing Studies: "The Interdependence of Housing and School Segregation"](#)
  - [Metropolitan Policy Program: "The Growing Distance Between People and Jobs in Metropolitan America"](#)
  - [National Housing Law Project: "Fair Chance Ordinances: An Advocate's Toolkit"](#)
  - [C3 Climate Collaborative: "Uncovering Energy Inequity: An Analysis of Distributed Energy Burden in Charlottesville, VA"](#)
- Your local and regional planning processes should consider data on local conditions of the following:
  - Access to mortgage financing
  - Evictions and foreclosure data
  - Mortgage appraisal processes
  - Access to clean water
  - Access to clean air
  - Access to public transit
  - Access to jobs
  - Public safety practices and investments
  - Access to high-quality education
  - Racially restrictive covenants
  - Economic development investments
  - Access to affordable housing
  - Admissions to public and private housing
  - Public housing data

# Notes

- 1 Fair Housing Act, Sec. 801. [42 U.S.C. 3601].
- 2 *NAACP v. Secretary of Housing and Urban Development*, 817 F.2d 149. 1st Cir (1987).
- 3 Steil, Justin P. & Kelly, Nicholas. Survival of the Fairest: Examining HUD Reviews of Assessments of Fair Housing (2019). Housing Policy Debate, 29:5, 736-751, DOI: 10.1080/10511482.2018.1524444.
- 4 Administrative Procedure Act. Sec. 500. [5 U.S.C. 553].
- 5 Since the anthrax threats, after 2001, receipt of US mail by federal agencies has encountered significant delays. If possible, it is preferable to submit a comment letter through [Regulations.gov](#).
- 6 US Department of Housing and Urban Development, "Mission," accessed Jan. 4, 2023, <https://www.hud.gov/about/mission>.
- 7 National Disability Institute. "Financial Equity: Disability, Race and Poverty in America." February 2019. <https://www.nationaldisabilityinstitute.org/wp-content/uploads/2019/02/disability-race-poverty-in-america.pdf>.
- 8 Vogell, Heather. "When Private Equity Becomes Your Landlord." ProPublica, February 7, 2022. <https://www.propublica.org/article/when-private-equity-becomes-your-landlord>.
- 9 City of Philadelphia and the Philadelphia Housing Authority. "Assessment of Fair Housing." City of Philadelphia, December 23, 2016. <https://www.phila.gov/media/20190502115754/afh-2016-for-web.pdf>.
- 10 City of New Orleans. "2016 Assessment of Fair Housing." Office of Community Development. October 4, 2016. <http://www.nola.gov/community-development/documents/2016-updated-afh-plan-090516/afh-plan-090516-final/>.
- 11 City of New Orleans. "2016 Assessment of Fair Housing."
- 12 The Metropolitan St. Louis Equal Housing and Opportunity Council. "Fair Housing Equity Assessment." July 2013. [https://www.onestl.org/media/site/documents/reports/housing/FHEA\\_OneSTL\\_July2013%20.pdf](https://www.onestl.org/media/site/documents/reports/housing/FHEA_OneSTL_July2013%20.pdf).
- 13 Roller, Zoe. "Closing the Water Access Gap in the United States: A National Action Plan." November 2019. [http://uswateralliance.org/sites/uswateralliance.org/files/publications/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States\\_DIGITAL.pdf](http://uswateralliance.org/sites/uswateralliance.org/files/publications/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States_DIGITAL.pdf).
- 14 Bland, Alastair. "Californians Are Struggling to Pay for Rising Water Rates." KQED, February 27, 2018. <https://www.kqed.org/science/1920428/californians-are-struggling-to-pay-for-rising-water-rates>.
- 15 Greater New Orleans Fair Housing Action Center, et. al. "People's Analysis of Impediments (AI) for New Orleans." December 2011. <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/12-20-11-Peoples-AI-FINAL.pdf>.
- 16 Office of Resilience & Sustainability. "Resilient New Orleans: Strategic Actions to Shape Our Future City." City of New Orleans, August 5, 2015. [http://resilientnola.org/wp-content/uploads/2015/08/Resilient\\_New\\_Orleans\\_Strategy.pdf](http://resilientnola.org/wp-content/uploads/2015/08/Resilient_New_Orleans_Strategy.pdf).
- 17 Yerkes, Lawrence. "Affordable Housing Near Jobs a Problem for Employers and Employees." ActiveRain, June 13, 2007. <https://activerain.com/blogsvie/122440/affordable-housing-near-jobs-a-problem-for-employers-and-employees>.
- 18 City of Boston. "Assessment of Fair Housing." February 22, 2021. City of Boston. <http://charleshamiltonhouston.org/wp-content/uploads/2021/09/City-of-Boston-Assessment-of-Fair-Housing.pdf>.
- 19 City of Minneapolis. "Renter Protections Ordinance." September 2019. <https://lms.minneapolismn.gov/Download/FileV2/20980/Renter-Protections-Ordinance.pdf>.
- 20 Applied Real Estate Analysis, Inc. "Analysis of Impediments to Fair Housing Choice." February 16, 2016. City of Chicago. <https://www.chicago.gov/content/dam/city/depts/cchr/AdjSupportingInfo/AdjFORMS/2016%20Adjudication%20Forms/2016AItoFairHousing.pdf>.
- 21 HousingLink. "2014 Analysis of Impediments to Fair Housing Choice: Twin Cities Region." Fair Housing Implementation Council. <https://www.housinglink.org/docs/default-source/mainlibrary/2014-fhic-ai.pdf>.
- 22 The Office of the City Controller. "Mapping the Legacy of Structuralism in Philadelphia." January 23, 2020. City of Philadelphia. <https://controller.phila.gov/philadelphia-audits/mapping-the-legacy-of-structural-racism-in-philadelphia/>.
- 23 Richardson, Jason et. al. "Redlining and Neighborhood Health." September 10, 2020. National Community Reinvestment Coalition. <https://nrc.org/holc-health/>.

- 24 Centers for Disease Control and Prevention. "People with Certain Medical Conditions." 2022, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.
- 25 Letter from US Department of Housing and Urban Development to L.E. Lightfoot, Mayor, City of Chicago, Southeast Environmental Task Force, People for Community Recovery, and Chicago South East Side Coalition to Ban Petcoke, "Letter of Findings of Noncompliance with Title VI and Section 109 *Southeast Environmental Task Force, et al. v. City of Chicago* Case No. 05-20-0419-6/8/9, July 19, 2022, <https://news.wttw.com/sites/default/files/article/file-attachments/Letter%20of%20Finding%2005-20-0419%20%28City%20of%20Chicago%29.pdf>.

## 8.0

# Author Biographies

**Tram Hoang**, senior associate, supports the PolicyLink housing team in transforming our nation's housing system through policy analysis, research and advocacy, narrative change, and building the capacity of our partners in movement spaces.

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