

November 28, 2016

The Honorable Shaun Donovan  
Director  
Office of Management and Budget  
725 17<sup>th</sup> Street, NW  
Washington DC 20503

Re: Affirmatively Furthering Fair Housing, Assessment Tool for Local Governments, Docket No. FR-5173-N-10; Assessment Tool for States and Insular Areas, Docket No. FR-5173-N-08-B; Assessment Tool for Public Housing Agencies, Docket No. FR-5173-N-09-B

Dear Director Donovan,

On behalf of the undersigned organizations, we write to express strong support for the three Affirmatively Furthering Fair Housing (AFFH) Assessment Tools recently released by HUD,<sup>1</sup> and urge you to process and release the final tools as soon as possible. The assessment tools are the necessary and practical cornerstones of AFFH implementation. They are needed to provide program participants and their community members with clarity and concrete direction on how to meet important—but still unrealized—fair housing obligations.

HUD's AFFH rule was a major achievement heralded by the civil rights and housing policy communities for its promise. As you know, the AFFH rule implements a longstanding and long-neglected directive of the Fair Housing Act that HUD and its program participants "take significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination," a directive fundamental to the Act's intended broad remediation of our country's residential divide. (See 24 C.F.R. § 5.152.) As Congress documented in 1968, segregation and unequal opportunity were entrenched by multiple forces, including both public and private discrimination, with severe intergenerational consequences. These forces are just as meaningful in shaping lives today. Discrimination continues to bar open choice, and its effects continue to concentrate in segregated communities, impeding fair access to quality employment, health, schools, economic development, stable housing, and other aspects of opportunity. Americans of all races ultimately suffer from these divisions.

Yet despite the importance and wisdom of addressing these conditions through our housing and community development spending, participants' AFFH duties were until recently formalistic and inconsistent, at times pursued through piecemeal litigation, with accumulating documentation that this free-form approach simply did not work. HUD's answer was the AFFH rule, along with these pending assessment tools. The AFFH rule drew upon extensive, evidence-based, multi-sectoral consideration and consultation, and delivered concrete yet flexible guidance. This set the

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<sup>1</sup> The Assessment Tool for Local Governments is currently under review at OMB; the Assessment Tools for States and Insular Areas and for Public Housing Agencies are pending final review by HUD.

foundation for consistent and effective fulfillment of the statutory obligation. The assessment tools are similarly well-considered, and the vital next step for implementation.

Experience has proven that good AFFH implementation requires clear and directive content. The assessment tools are needed to provide exactly that. Within the assessment tools, the AFFH directive is given form through a template that enables participants to take a flexible yet meaningful approach to identifying and addressing their particular fair housing issues. The tools also strike a sensible balance by providing data, soliciting additional information to the degree it is needed (but not costly), and requiring community input. This structure provides for individualized local action while avoiding undue burden. The tools are an effective planning resource with significant benefits, helping communities to prevent as well as remedy discrimination, disrupt the cycle of segregation, and prevent the long-term costs that arise from geographically-concentrated lack of opportunity. Without the tools, on the other hand, participants and stakeholders will lack clarity and consistency around their legal obligations.

Finalization of the assessment tools will enable HUD personnel to engage in consistent AFFH oversight, but just as crucially, it will offer a powerful template for local policymakers and members of the communities ultimately served. Many of these stakeholders have long sought tools for better and more equitable planning. We believe that the momentum behind the AFFH rule will continue to build, given the ever-growing base of evidence supporting the broad social benefits of equal opportunity and the strength of regional, multi-sector solutions. While we previously provided comments to HUD recommending additional detail in some portions of the tools, we overall strongly support these tools as HUD has crafted them. We ask that OMB expeditiously finalize them so that the public may benefit from their release without delay.

Thank you for your attention to this important civil rights issue.

Sincerely,

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