

November 25, 2014

Secretary Julian Castro
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0500

Re: Affirmatively Furthering Fair Housing Assessment Tool, Docket No. FR-5173-N-02; supplemental comments on forthcoming assessment tools for states, PHAs, and consortia

Dear Secretary Castro,

We have previously joined comments on the proposed AFFH Assessment Tool from a number of national and state housing and civil rights organizations, dated November 4, 2014.¹ We are now writing separately to provide additional comments on the forthcoming (not yet released) Assessment Tools for States, PHA-only submissions, and regional collaboratives. All of our prior comments are applicable to these forthcoming assessment tools, but there are some specific additional issues that we think are unique to these types of HUD grantees, which we discuss below.

Assessment tool for state government agencies

As with the Assessment Tool for entitlement jurisdictions, the state AFH should include a discussion of all housing related programs and policies, not just those funded by HUD, and should encompass the entire geographic area of the state, including areas already covered by entitlement jurisdictions. Some specific questions to highlight in the state assessment tool include:

- > Assessment of all state-funded or administered housing programs, including state housing bonds, mortgage assistance programs, state housing voucher programs, state housing trust funds, state homeowner assistance programs, housing trust funds, and inclusionary zoning requirements.
- > Inclusion of state environmental and transportation programs and policies that impact housing (e.g. sewer development, transit planning, state conservation and development plans, etc).
- > Organization and funding of local education in the state; and extent of disparities in per pupil resources across school districts; assessment of disparities in local tax base and local property tax burden across the state.
- > A fair housing checklist for state LIHTC Qualified Allocation Plans (QAP)

¹ See www.prrac.org/pdf/Civil_rights_comments_on_AFFH_Assessment_Tool_11-4-14.pdf

- > Analysis of the extent to which state-controlled housing funds are flowing into segregated jurisdictions that already receive federal housing funds.
- > Assessment of state laws that promote or discourage residential integration (e.g., laws banning or authorizing mandatory inclusionary zoning, substantially-equivalent fair housing ordinances, fair share laws, fair share rules and builders' remedies, transit oriented affordable housing development rules, state limits on housing authority jurisdiction and partnering).
- > Inventory of residency preferences in state-administered housing programs and a statement of what the state has done to ensure that the preferences don't have the effect of excluding, discouraging or delaying admission of protected groups.
- > Inventory of potentially exclusionary zoning and land use rules in local jurisdictions.
- > Assessment of participation rates in housing and community development funds among non-entitlement jurisdictions (i.e., what is the State of Mississippi doing to get the City of Madison to accept federal funds and administer HUD programs? Has that been effective?)
- > Description of participation by state subgrantees in the AFH development process, including community participation in the AFH process in subgrantee jurisdictions; and the process the state will take to ensure that its subgrantees comply with their AFFH obligations.

Assessment tool for PHAs reporting separately from entitlement jurisdictions

As suggested in the proposed rule, Public Housing Agencies should be strongly encouraged to join with their entitlement jurisdictions in developing a joint AFH, on the same schedule as their jurisdiction. For PHAs that do not have an obvious entitlement jurisdiction to partner with, or where the entitlement jurisdiction refuses to collaborate with the PHA, those PHAs should be directed to partner with the state agency that is developing a state AFH as set out in proposed 24 CFR § 903.15(a)(3). In the event that PHAs refuse to collaborate with their local or state government partners, HUD should require the same questions set out in the already-issued Assessment Tool.

Assessment tool for multiple jurisdictions reporting together

The current assessment tool (as supplemented by our earlier comments) provides a good template for a joint regional AFH as well. In order to incentivize the use of these multi-jurisdiction (and multi-PHA) assessments, jurisdictions and PHAs in a region should be offered an opportunity to align their Consolidated Plan and PHA Plan reporting dates. Multiple-jurisdiction AFHs (including AFHs for PHAs submitting jointly) should be required to invite all jurisdictions in the region to participate, and to include an explanation of which jurisdictions in the region were not included, and why.

Thank you for the opportunity to submit these supplemental comments. We look forward to working with HUD to successfully implement the final rule.

Sincerely,

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