



July 12, 2021

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-6249-I-01, Restoring Affirmatively Furthering Fair Housing Definitions and Certifications**

Thank you for the opportunity to comment in support of HUD's interim final rule, "Restoring Affirmatively Furthering Fair Housing Definitions and Certifications," published in the June 10, 2021 Federal Register. On behalf of more than 5,000 mission-driven senior housing and other aging services providers, we value HUD's efforts to restore affirmative fair housing practices throughout the housing portfolio, and we eagerly anticipate further agency action to achieve quality, affordable, housing options that are affirmatively free from discrimination for every older adult with housing needs.

**About LeadingAge**

We represent more than 5,000 nonprofit aging services providers, including affordable senior housing providers and other mission-minded organizations that touch millions of lives every day. Alongside our members and 38 state partners, we use applied research, advocacy, education, and community-building to make America a better place to grow old. Our membership encompasses the continuum of services for people as they age, including those with disabilities. We bring together the most inventive minds in the field to lead and innovate solutions that support older adults wherever they call home.

**Reinstating Definitions, Certifications, and Support for Program Participants**

HUD's Preserving Community and Neighborhood Choice (PCNC) of 2020 removed key fair housing regulatory frameworks and definitions, and it removed mechanisms for HUD to assist jurisdictions and participants with fair housing planning efforts. On June 10, 2021, HUD published an interim final rule restoring the definitions and certifications removed in 2020 and requesting comments on the definitions.

LeadingAge and our members fully support HUD's efforts to reinstate definitions and corresponding certifications from the 2015 Affirmatively Furthering Fair Housing (AFFH) rule. In particular, reinstated definitions such as "AFFH," "segregation," "disability," and "meaningful actions" (as in, meaningful actions taken to affirmatively further fair housing) are critical to creating more fair housing access across the country. In fact, these definitions had already gone through HUD's public notice and comment process previously and should be immediately restored.

While the June 10 interim final rule does not create new AFFH requirements, it does provide notice that HUD will once again offer technical support and other assistance for the voluntary completion of fair housing planning. As HUD states in its interim final rule, the interim final rule is "limited in scope," restoring only certain parts of previous AFFH regulatory framework but not requiring HUD program participants to undertake any specific type of fair housing planning to support their certifications. In particular, the AFFH tools have not been reinstated; instead, the June 10 rule states that HUD is "work[ing] toward an implementation scheme that will further reduce burden for recipients while bolstering fair housing outcomes."

We live in a country whose housing policies are historically defined by structural and systemic racism. Restoring participation requirements and accountability tools under AFFH is a critical next step toward overcoming our country's deep and persistent barriers to housing access. LeadingAge supports the reinstatement of a voluntary process by which HUD will assist program participants in complying with their AFFH obligations; however, we urge HUD to quickly take further action to restore accountability measures under AFFH.

Again, we are grateful for the opportunity to comment on HUD's Affirmatively Furthering Fair Housing interim final rule. We look forward to commenting on further HUD actions, including efforts to reinstate tools that restore accountability measures for housing providers and jurisdictions.

LeadingAge values the partnership with HUD, the Office of the General Counsel, and the Office of Fair Housing and Equal Opportunity. We look forward to continuing our work together to advance and preserve equitable access to affordable senior housing across the country. Please do not hesitate to reach out with questions to [jbilowich@leadingage.org](mailto:jbilowich@leadingage.org).

Sincerely,

A handwritten signature in cursive script that reads "Juliana Bilowich".

Juliana Bilowich  
Director, Housing Operations and Policy  
LeadingAge