



April 24, 2023

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

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

To Whom It May Concern:

Thank you for the opportunity to comment in support of HUD’s proposed rule, “Affirmatively Furthering Fair Housing,” published in the February 9, 2023 Federal Register. On behalf of our nationwide membership of mission-driven senior housing and other aging services providers, we value HUD’s efforts to improve affirmative fair housing practices throughout the housing portfolio by expanding community engagement, clarifying and improving enforcement actions, and streamlining planning. We look forward to continuing our work together to advance and preserve equitable access to affordable senior housing across the country.

About LeadingAge

LeadingAge represents more than 5,000 aging services providers, including non-profit owners and managers of federally-subsidized senior housing properties. 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.

Transparency, Goal Setting, and Measuring Progress

We live in a country whose housing policies are historically defined by structural and systemic racism. The Fair Housing Act not only prohibits discrimination, but also directs HUD to proactively take meaningful actions to achieve quality, affordable, housing options that are affirmatively free from discrimination for every older adult with housing needs. We applaud the following improvements to Affirmatively Furthering Fair Housing (AFFH) in the proposed rule:

- **Community Engagement** HUD’s proposed rule implements critical improvements to Fair Housing frameworks for housing providers, including establishing more robust community engagement and complaint processes. In particular, under the proposed rule, state and local governments and PHAs must include various information about publicly supported housing in their Equity Plans, including the current demographics of residents of different categories of publicly supported housing in the jurisdiction and analyze how those demographics changed over time, the concentration of publicly supported housing in racially or ethnically concentrated areas of poverty, and the ways in which residents of publicly supported housing experience disparities in access to opportunity and community assets.

“Publicly supported housing,” which includes HUD multifamily housing, low income housing tax credit, and Rural Housing Service, meaning that while Multifamily Housing providers do not themselves develop or submit Equity Plans, they can work with state and local governments and local housing authorities to help set meaningful goals for fair housing outcomes.

- **Enforcement** The proposed rule also provides clarity on HUD procedures for enforcement, and it also includes mechanisms to hold program participants accountable for achieving positive fair housing outcomes and complying with their obligation to affirmatively further fair housing. For example, the proposed rule requires communities and PHAs to change their resource distribution plans to reflect affirmatively furthering fair housing needs shown in certain data sets; the proposal also gives HUD clear authorities to enforce AFFH rules, including ultimately to remove HUD funding.
- **Implementation** At the same time as certain proposed requirements are more robust, the proposed rule reduces program participant burden in performing the required analysis in the planning stage. This is in part achieved by streamlining the analysis of fair housing issues that PHAs must perform, allowing them to focus more directly on the setting of effective fair housing goals and strategies to achieve them. In addition, the proposed rule would make maps and data tools more user-friendly, and HUD would provide technical assistance during the planning stage, a key change that will foster higher rates of participation.

Overall, HUD’s Affirmatively Furthering Fair Housing proposed rule would implement more robust community engagement requirement, a streamlined required analysis, greater transparency, and an increased emphasis on goal setting and measuring progress. Emphasizing participation requirements, transparency efforts, and accountability tools under AFFH is a critical next step toward overcoming our country’s deep and persistent barriers to housing access.

LeadingAge values our partnership with HUD, the Office of the General Counsel, and the Office of Fair Housing and Equal Opportunity. We commend HUD for moving forward with AFFH implementation, and 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.

Sincerely,

Juliana Bilowich
Director, Housing Operations and Policy
LeadingAge