



Scott Knittle
Principal Deputy General Counsel
U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410

July 3, 2025

Dear Principal Deputy General Counsel Knittle,

Thank you for the opportunity to comment on the U.S. Department of Housing and Urban Development's proposed rule titled "Rescission of Affirmative Fair Housing Marketing Regulations," published on June 3.

LeadingAge and our membership of affordable senior housing providers remain deeply committed to fair and affordable access to housing. As the leading voice for aging in America, LeadingAge strongly disagrees with HUD's proposal to rescind Affirmative Fair Housing Marketing (AFHM) regulations for the reasons outlined below.

About LeadingAge

We represent more than 5,400 nonprofit aging services providers and other mission-driven organizations serving older adults that touch millions of lives every day. Alongside our members and 36 partners in 41 states, we use advocacy, education, applied research, and community-building to make America a better place to grow old. Our membership encompasses the entire continuum of aging services, including skilled nursing, assisted living, memory care, affordable housing, retirement communities, adult day programs, community-based services, hospice, and home-based care. We bring together the most inventive minds in the field to lead and innovate solutions that support older adults wherever they call home. For more information visit leadingage.org.

HUD's "Race-Neutrality" Reasoning for Proposing Rescission

HUD's proposed rule states that the long-standing AFHM regulations are inconsistent with both the Fair Housing Act and presidential Executive Order 11063 from 1962, both of which seek to promote equal opportunity in housing by prohibiting racial and ethnic discrimination in federally-supported housing.

HUD's proposal explains that the AFHM framework requires a racial lens to housing marketing by ensuring that providers are, in fact, reaching applicants of various and underrepresented racial and ethnic groups (including those least likely to apply for housing at that particular housing community). Because of this, HUD argues that the regulations are inherently "race-based" rather than "race-neutral," despite the fact that the Fair Housing Act requires race neutrality.

Later in the proposed rule, HUD states that the current AFHM regulations essentially require housing providers to favor some racial groups over others, specifically by emphasizing minority groups over majority groups for outreach about available housing units. HUD's proposal also states that the current

regulatory framework goes beyond "purely prohibitory" requirements by implementing sanctions on providers who don't comply with the required set of actions.

LeadingAge's Response to Assertions of Race-Neutrality

LeadingAge rejects the idea that the Fair Housing Act requires housing providers to be "race-neutral." Race neutrality overlooks decades of intentional, systemic discrimination that in turn requires intentional, systemic action to overcome.

In addition, we disagree that housing providers are required to preference or emphasize specific groups based on any factor other than having information about housing availability. Where the proposed rule states that housing providers are made to "favor" some racial groups over others, it is the experience of LeadingAge's membership that the regulations actually require diligent outreach to all groups within a vicinity, including targeted outreach to groups that may otherwise not have access to the information. In essence, rather than elevating certain groups, the regulations take measures to level the playing field.

Furthermore, without requiring that owners take action to comply with the Fair Housing Act, HUD would essentially be neglecting to uphold the Fair Housing Act, as well as neglecting to carry out its obligations under the FHA and Executive Order 11063. In both cases, it was Congress's and the Administration's intent to foster equitable opportunity for housing, which requires continued dedication through affirmative action.

HUD's Rational that Affirmative Fair Housing Actions are too Onerous for Housing Providers

HUD goes on to say that the requirements are "extensive," requiring thoughtful and data-informed marketing programs and plans. The proposed rule argues that AFHM regulations essentially displace responsibility onto housing providers for helping underserved communities overcome "informational disparities" about housing availability.

The proposal states that HUD has other tools to address information disparities, and that it is inappropriate for HUD to require housing providers, without payment, to do informational outreach instead of the agency.

LeadingAge's Response Calling on HUD to Improve its Fair Housing Support and Outreach Capacity

LeadingAge agrees with HUD that the AFHM are burdensome in their current state. However, they are not necessarily burdensome in and of themselves, but rather because HUD has not always been a reliable partner in the joint effort to ensure fair housing access.

For example, housing providers are required to submit affirmative fair housing marketing plans in regular intervals for HUD to provide feedback and approval. However, housing communities broadly report such substantial delays from HUD in responding to the plans that some never hear back at all. Essentially, the approach is not fully working because HUD is not upholding its side of the agreement.

Similarly, while HUD's proposed rule states that HUD has tools to do outreach, and that it is not fair to require housing providers to engage in fair housing-related outreach without financial compensation, HUD proposes neither to increase housing provider budgets nor for the agency to take on any of the outreach responsibility.

In the very least, LeadingAge calls on HUD to improve capacity in its fair housing operations to better partner with communities in their fair housing activities; secondly, we call on HUD to propose a streamlined approach to affirmative fair housing procedures and to reimagine its role in fair housing outreach to shift some burden from housing providers onto the agency.

HUD's Cost-Benefit Analysis Elevating Ease of Operations

Later in the proposed rule, HUD states that the benefits (for households) associated with the affirmative outreach in the AFHM regulations are outweighed by the negative economic impacts (on housing providers) of the outreach requirements. Specifically, HUD states that the agency's commitment to reducing burden on private industry "outweighs the potential downsides of eliminating the AFHM requirements, including the possibility that some racial groups will receive more information about housing opportunities than others."

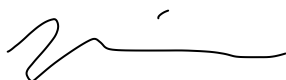
LeadingAge's Response Upholding Fair Housing Access as Critical and Not Mutually Exclusive

LeadingAge strongly rejects the divisive mentality that pits housing providers against housing recipients. Housing communities work together with HUD to advance housing programs and solutions; more importantly, we see HUD's primary role as promoting an effective system of fair and affordable housing for all. Therefore, we reject the false narrative that we, as a country dedicated to systems-level solutions for fair and affordable housing, have to choose between housing that is fairly accessible and housing that is effectively administered.

Our membership of housing providers stands ready to work with HUD to affirmatively further fair housing access. Thank you for working with us to advance fairness and equity throughout our country's vital housing programs.

Please reach out to [Juliana Bilowich](#), LeadingAge's Senior Director of Housing Operations and Policy, with any questions.

Sincerely,



Juliana Bilowich

LeadingAge

cc:

Lamar Seats, Deputy Assistant Secretary, Office of Multifamily Housing Programs, HUD