

PRRAC

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HUD’s proposed “Affirmatively Furthering Fair Housing Rule”

On July 19, the US Department of Housing and Urban Development (HUD) issued an important draft rule to clarify the Fair Housing Act’s 1968 legal mandate to address segregated housing patterns and promote diverse, inclusive communities. The purpose of the rule is to provide clearer guidance to state and local governments receiving HUD funds about how to incorporate fair housing planning and fair housing goals into their programs. HUD’s existing rules have been criticized by the GAO and others for failing to provide clear standards for HUD grantees to follow.

The proposed rule implements the section of the Fair Housing Act (42 USC 3608) requiring that HUD and its state and local grantees act "affirmatively to further" fair housing (AFFH) in the administration of housing and urban development programs. In addition to clarifying local fair housing planning and reporting requirements, it would provide uniform data to all grantees about patterns of segregation, poverty concentration, and unequal community resources in their jurisdictions. The rule is also intended to reduce duplicative planning and data gathering requirements by aligning fair housing planning with other required federal reporting.

HUD has been working on this rule for over three years, and it is a centerpiece of the agency’s effort to pursue a more balanced housing policy – as the HUD Secretary has often said – focusing on both improved neighborhood revitalization strategies and new opportunities for low income families to move to lower poverty, less segregated neighborhoods. The proposed rule, with its strong community engagement elements, will also engage many communities in a conversation about fair housing that is long overdue.

When this rule is finalized by HUD it will present an extraordinary opportunity for organizing and mobilization around fair housing issues at the state and local level. It will be an opportunity for community based organizations and advocates to work directly with state and local governments to plan for a less segregated future in their regions.

Comments on the rule are due on September 17. These are generally submitted in the form of an uploaded letter at www.regulations.gov. More detailed information – including full text of the proposed rule and the new HUD data tool – and a link to the comments portal is available at http://www.huduser.org/portal/affht_pt.html.

It is extremely important that HUD hears from as many stakeholders as possible during the current comment process. We expect that some organizations or local governments may have concerns about specific aspects of the rule, but we hope that all stakeholders can agree on the importance of the overall goals embodied in the rule and the need for a final rule.