



October 12, 2018

Office of the General Counsel  
Rules Docket Clerk  
US Department of Housing and Urban Development  
451 Seventh Street, SW  
Room 10276  
Washington, DC. 20410-0001

Submitted electronically via [www.regulations.gov](http://www.regulations.gov)

Re: Docket No. FR-6123-A-01

Dear Madam/Sir:

In response to the Advance Notice of Proposed Rulemaking: AFFH Streamlining and Enhancements, published in the Federal Register on August 16, 2018 I am writing to strongly support HUD's 2015 AFFH Rule and urge HUD not to revoke or rewrite it and to immediately resume full and complete implementation of the Rule. Three particular steps are critical: 1) Restoring on-line access to the Assessment Tool for Local Governments; 2) Issuing a notice informing local jurisdictions of their obligation to conduct an Assessment of Fair Housing (AFH) using the Assessment Tool and to follow the requirements spelled out in the rule; and 3) Resuming the provision of training and technical assistance for those jurisdictions.

The segregated housing patterns we have become accustomed to for many decades largely reflect government policies (e.g. enforcement of racially restrictive covenants, redlining by the Federal Housing Administration, exclusionary zoning, and more). As part of an effort to remedy the social engineering by government agencies that created the residential segregation that persists to this day, government action, including reinstatement and full enforcement of the 2015 AFFH rule and Assessment Tool is essential.<sup>1</sup> Now is the time to advance full enforcement of our nation's fair housing laws. Many factors point to a great need for increased and vigorous enforcement of the Fair Housing Act. The National Fair Housing Alliance has reported that each year there are over 4 million instances of housing discrimination, the lion's share of which go unreported and unaddressed. Over the past several years, there has been an increase in the number of hate crimes committed against people based on their race, national origin, religion and other factors. And for years the FBI has observed that hate crimes are more likely to occur at a person's residence—raising fair housing implications. U.S. neighborhoods are more racially segregated today than they were 100 years ago and the homeownership rate for African American households is virtually unchanged from its rate 50 years ago when the Fair Housing Act was passed.

---

<sup>1</sup> Rothstein, Richard. *The Color Of Law: A Forgotten History of How Our Government Segregated America*. New York ; London. Liveright Publishing Corporation, 2017. Massey, Douglas S. and Nancy A. Denton. *American Apartheid: Segregation and the Making of the Underclass*. Cambridge, MA and London. Harvard University Press, 1993. Gregory D. Squires (ed). *The Fight for Fair Housing: Causes, Consequences, and Future Implications of the 1968 Federal Fair Housing Act*. New York and London. Routledge

America's housing market is becoming increasingly out of reach for more and more families, particularly working people, the elderly, people with disabilities and people of color. Today, as the supply of affordable housing continues to decline, nearly 11 million families are spending over 50% of their income on housing costs. The U.S. supply of affordable housing—available to only one out of four households who qualify for assisted housing—is woefully insufficient. Increasing numbers of families are experiencing housing evictions and a disproportionate percentage of these are people of color and single female-headed households. We need more affordable housing. But affordable housing alone is not enough to address our fair housing needs. That housing must be provided in neighborhoods with quality schools, living-wage jobs, accessible and effective transportation, clean air and water, healthy food, conventional financial services and other resources that flourishing communities offer. We must ensure that the housing is available to all, without regard to race, sex, national origin, religion, family status or disability, as required by the Fair Housing Act. Not all fair housing problems are tied to housing affordability. HUD must ensure that our communities address the other forms of discrimination that form barriers to opportunity, as well.

Segregation, gentrification, and other forms of uneven development persist in the nation's metropolitan areas and many rural communities. Rather than spending precious time and resources revisiting the AFFH regulation and the Assessment Tool, HUD should proceed with enforcing the previously vetted regulation and the law. Not only should HUD immediately reinstate the 2015 AFFH Rule and Assessment Tool, but the agency should also complete and release the Assessment Tools for public housing authorities and states and insular areas. HUD should also immediately reinstate the technical assistance it was providing both directly and through third party vendors, as this assistance was helpful to jurisdictions that underwent the first round of AFH submissions.

The 2015 AFFH rule and Assessment Tool were implemented after years of consultation and input from a wide range of stakeholders. As the National Fair Housing Alliance has reported, the process has been profoundly helpful for local governments that have already completed their Assessment of Fair Housing. The rule has established a much-needed framework to help participants and their communities advance fair housing goals. Jurisdictions undergoing the process have reported that they were made aware of important, previously overlooked realities about their communities and were also able to form important collaborations that helped make neighborhoods stronger. It is critical that communities continue engaging in this vital AFFH process to ensure that every neighborhood is a place of opportunity where all families can thrive.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Gregory D. Squires', is written over a horizontal line.

Gregory D. Squires

Professor of Sociology and Public Policy & Public Administration