



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

Via regulations.gov [<https://www.regulations.gov/commenton/HUD-2023-0009-0001>]

April 4, 2023

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

The Housing & Community Development Network of NJ (The Network) appreciates the opportunity to comment on the HUD proposed regulations to implement the Affirmatively Furthering Fair Housing rule. The Network supports the proposed regulations to implement the obligation to affirmatively further fair housing (AFFH) from “Title VIII of the Civil Rights Act of 1968,” also known as the “Fair Housing Act.” We consider the proposed rule an improvement of the 2015 AFFH rule. It is imperative that HUD issue effective regulations to finally implement the Fair Housing Act’s requirement to ensure that all federal agencies administer their programs relating to housing and community development in a manner that affirmatively furthers fair housing as soon as possible.

The Network is the statewide association of over 250 non-profit housing and community development corporations, private sector lenders and advocates who support the creation of affordable homes and economic opportunities for low- and moderate-income (LMI) residents. For LMI residents to have an opportunity to live in an affordable home, it is imperative that all federal agencies and agencies that get federal funds for housing and community development take affirmative actions to overcome the effects of past (and current) segregation and discriminatory policies and practices

The Network applauds the many proposed regulatory provisions. We highlight six for particular attention:

- **Enhanced community engagement provisions.** We are very pleased that the proposed rule requires program participants to hold at least three public “meetings” during the development of a fair housing Equity Plan, plus two more public meetings each year to obtain public input regarding a program participant’s progress toward meeting its fair housing goals from the previous year. We appreciate use of “meetings” instead of

“hearings” because meetings, being less formal and more flexible than official hearings, should enable greater participation by people the Fair Housing Act intends to serve, the “protected classes.” The introduction of “underserved communities” is welcome because it helps to refine segments of people in the protected classes who often most encounter fair housing obstacles, such as people experiencing homelessness, people with criminal records, survivors of domestic violence, and people in the LGBTQI+ community.

- **Greater public transparency.** We endorse requiring HUD to post on a HUD-maintained website, submitted Equity Plans, Annual Progress Evaluations, and relevant communications between HUD and program participants. We are pleased that once an Equity Plan is submitted to HUD for review, the public would be able to directly provide HUD information concerning whether an Equity Plan was developed in compliance with the community engagement provisions and other AFFH rule requirements.
- **Public complaint process.** We are very pleased that the rule would enable the public to directly submit complaints to HUD regarding allegations that a program participant is failing to comply with the AFFH regulations and that HUD would be obliged to process complaints and open a compliance review if warranted.
- **A stronger link between Equity Plan goals and Consolidated Plans and PHA Plans.** More directly requiring an Equity Plan’s fair housing goals to be incorporated in ConPlans and PHA Plans will better ensure that a program participant’s programs, activities, and services, along with HUD and other federal, state, and local funds used to implement them, are consistent with the obligation to affirmatively furthering fair housing.
- **An annual evaluation of progress toward achieving fair housing goals.** Requiring at least two annual meetings to obtain public input regarding a program participant’s performance toward achieving its fair housing goals can foster any necessary corrections in the upcoming year.
- **Clarification and emphasis on the need for a balanced approach to AFFH.** It is important that a program participant use a combination of place-based and mobility strategies and actions, such as preserving existing affordable housing in racially or ethnically concentrated areas of poverty, while also initiating policies that remove barriers (such as zoning ordinances) preventing people from obtaining affordable housing in well-resourced neighborhoods.

Even though The Network is generally pleased with the proposed rule, we have concerns and suggestions we urge HUD to seriously consider that will strengthen a final rule.

- **Community Engagement**

We urge HUD to add specific language requiring at least four stages of community engagement meetings prior to and during the development of an Equity Plan: (1) identifying fair housing issues, (2) establishing which fair housing issues to prioritize, (3) establishing fair housing goals, and (4) commenting on a draft Equity Plan before its submission to HUD.

The Network strongly urges HUD to eliminate all provisions allowing AFFH community engagement to be combined with ConPlan and PHA Plan participation. The AFFH community engagement requirements must be separate from and in addition to the ConPlan and the PHA Plan public participation provisions.

The Network suggests that the regulation include as an acceptable meeting format, hybrid meetings that provide virtual engagement as long as there is concurrent in-person engagement. This may enable more protected class and underserved community people to engage, those with childcare or eldercare responsibilities, with a disability that makes attending in-person meetings difficult, and those who lack affordable or reliable transportation.

- **Greater Public Transparency**

The rule should require program participants to post on their own website, draft Equity Plans, submitted Equity Plans, Annual Progress Evaluations, and key communications between HUD and a program participant.

- **Annual Progress Evaluation**

The rule should enable the public to raise progress concerns directly with HUD. The rule should also require HUD to review each Annual Progress Evaluation regardless of whether there are any community concerns. Communications between HUD and a program participant regarding a reviewed Annual Progress Evaluation should be posted on HUD's website.

- **Timeframe for Required Revision of Equity Plan after Presidentially Declared Disaster**

We urge the final rule to require a program participant to submit a revised Equity Plan as soon as possible after a Stafford Act Declaration is made. It is crucial to have a revised Equity Plan ready to go in order to ensure AFFH principles are applied to planning associated with disaster-related funding.

- **Definitions**

“Affordable Housing Opportunities”

The Network urges HUD to define “affordable” housing as housing that requires a household to spend no more than 30% of their adjusted income on housing expenses (rent or mortgage) and utilities – the Brooke Rule.

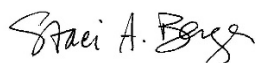
Instead of simply using “low- and moderate-income” we suggest, “Is affordable to households at a range of income levels: ‘extremely low-income’ (less than 30% AMI or the federal poverty level), ‘very low-income’ (less than 50% AMI and greater than 30% AMI), and ‘low-income’/‘moderate-income’ (less than 80% AMI and greater than 50% AMI).”

Instead of using “basic habitability requirements,” we suggest “Housing that meets Housing Quality Standards (HQS) regulations for the Housing Choice Voucher program and the NSPIRE regulations for other HUD programs (or any future modifications or substitutions for those programs), and state or local habitability requirements for housing not assisted with a federal program. Basic habitability standards for HUD-assisted housing also includes full compliance with all lead-based, carbon monoxide, radon, and environmental quality hazard regulations.

If you have any questions about our comments, please contact Staci Berger, President and CEO at sberger@hcdnnj.org.

Thank you very much for the opportunity to provide these comments in support of these proposed changes. As always, please let us know if we can provide additional information or answer any questions you may have.

Very truly yours,



Staci Berger,
President and CEO
Housing and Community Development Network of NJ

Affordable Housing Alliance

Belmont Homes

Bergen County United Way

Better Community Housing of Trenton, Inc.

Bricks Faith and Mortar

Bridges Outreach, Inc.

Camden Coalition of Healthcare Providers	Camden County Habitat for Humanity
Camden Lutheran Housing, Inc.	Catholic Charities, Diocese of Metuchen
Catholic Charities, Diocese of Trenton	Central Jersey Housing Resource Center
Clinton Hill Community Action	Coastal Habitat for Humanity
Collaborative Support Programs of NJ	Coming Home Middlesex
Community Access Unlimited, Inc.	Community Affairs and Resource Center
Community Hope, Inc.	Consumer Credit and Budget Counseling, Inc.
The Corporation for Supportive Housing	Cumberland County Habitat for Humanity
East Brunswick Community Housing Corporation	Elizabeth Coalition to House the Homeless
Elizabeth Development Company	Epic Community Development Corporation
Family Promise of Burlington County	Family Promise of Morris County
Family Promise Union County	Garden State Episcopal Community Development Corporation
Gateway Community Action Partnership	Habitat for Humanity of Bergen County
Habitat for Humanity Cape May County	Habitat for Humanity of Salem County
Habitat for Humanity of South Central NJ	HANDS, Inc.
Holly City Development Corporation	Homefront
Homeless Solutions	Homes For All
Housing Initiatives of Princeton	Housing Partnership NeighborWorks Center
Ironbound Community Corporation	Isles, Inc.
Jewish Community Housing Corporation of Metropolitan NJ	Jewish Family Service of Atlantic & Cape May Counties
Jewish Renaissance Foundation	La Casa de Don Pedro
LeadingAge New Jersey & Delaware	Lincoln Park Coast Cultural District

Lutherans Engaging in Advocacy Ministry NJ	Mission First Housing Group
Monarch Housing Associates	Moorestown Ecumenical Neighborhood Development Inc. (MEND)
Morris Canal Community Development Corporation	Morris Habitat for Humanity
Morris Housing Alliance	New Brunswick Tomorrow
New Community Corporation	NJ Citizen Action
NJ Coalition to End Domestic Violence	NJ Community Capital
NJ Community Development Corporation	NJ HIV Housing Collaborative
NewBridge Services, Inc.	Northern Ocean Habitat for Humanity
Northwest New Jersey Community Action Program, Inc.	Operation HOPE Inc.
Parkside Business and Community in Partnership	Passaic Affordable Housing Coalition
Passaic County Habitat for Humanity	Paterson Task Force
PennReach	Premier Community Development Corporation
Princeton Affordable Housing Board	Princeton Community Housing
Project Freedom Inc.	Project Live, Inc.
Puerto Rican Association for Human Development, Inc.	Raritan Valley Habitat for Humanity, Inc.
Reformed Church of Highland Park Affordable Housing Corporation	Region Nine Housing Corporation
Rescue Mission of Trenton	Saint Joseph's Carpenter Society
Sierra House	Stand Up for Salem Inc.
The Community Builders, Inc.	The Community Preservation Corporation
The Heart of Camden, Inc.	The Supportive Housing Association of NJ

The Waterfront Project, Inc.

Town Clock Community Development Corporation

Triple C Housing

Unified Vailsburg Services Organization

Urban League of Essex County

Visions and Pathways

Women Rising, Inc.

Women's Center for Entrepreneurship

York Street Project