



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

Via regulations.gov

RE: HUD's Affirmatively Furthering Fair Housing Proposed Rule, Docket No. FR-6123-P-02

I am writing on behalf of the Housing & Community Development Network of NJ (the Network) to express our opposition to HUD's proposed changes to the 2015 Affirmatively Furthering Fair Housing (AFFH) rule. We strongly urge HUD to withdraw the proposed rule and fully implement the current rule, which was developed over several years with considerable input from a wide variety of stakeholders.

The Network is the New Jersey statewide association of more than 250 housing and community development corporations, individuals and other organizations that support the creation of affordable homes and economic opportunities for low- and moderate-income New Jerseyans. Our members are on the front lines in lower income communities and are seeing the negative effects of segregated housing in people's efforts to make their lives better.

Housing in New Jersey continues to be segregated and as a result many children attend segregated schools. Statewide, 46 percent of the 585,000 black and Latino public school students attend schools that are more than 90 percent nonwhite. Of the 622,359 white students in New Jersey public schools, 43 percent attend schools that are at least 75 percent white.

Research has shown that where you live is the most important indicator to living a long and healthy life. In New Jersey there is a 14 year life-expectancy difference between those who reside in Princeton Junction and those who call Trenton home, according to a study by researchers at Virginia Commonwealth University, funded by the Robert Wood Johnson Foundation. We believe fully implementing the 2015 AFFH rule would help give those residents in Trenton and other segregated communities an opportunity to move to areas of greater opportunity.

The Network is specifically concerned about the following aspects of the proposed AFFH rule:

- **The proposed rule ignores the legacy of segregation and fails to address barriers to housing choice.**
  - The proposed rule does not mention segregation and barely mentions discrimination. We feel the primary focus of this rule should to examine and address segregation based on discrimination in our communities.
  - The proposed rule process encourages jurisdictions to pick from a list of 16 pre-approved goals, only three of which pertain to fair housing. All the rule's goals should address fair housing.
  - The proposed rule's approach is a drastic departure from the 2015 AFFH rule, which created a data-driven approach to assessing fair housing and planning actions that clearly defined AFFH as a means to address disparities, integrate communities, eliminate concentrated areas of poverty, and encourage compliance with civil rights and fair housing laws.
- **The proposed rule says simply increasing the supply of market-rate housing will increase fair housing choice. We disagree.**
- **The proposed rule has no meaningful enforcement of the AFFH obligation. It would allow jurisdictions who wanted to continue to ignore AFFH to do so without consequence.**
  - HUD should look at actual housing opportunity for members of the protected classes, which includes women and people with disabilities.
  - The proposed rule allows HUD to rank jurisdictions on their performance of affordability, housing quality, and supply. These factors do not provide a meaningful indication of affirmatively furthering fair housing.
  - HUD proposes no consequences to communities that ignore fair housing issues.
- **The proposed rule eliminates the AFFH public participation process required in the 2015 rule.**
  - The proposed rule completely eliminates the separate AFFH public participation process, claiming that the public participation already required in the Consolidated Plan process is sufficient for addressing AFFH-related concerns and issues. However, the Consolidated Plan's public participation process is designed to obtain input regarding housing and community development needs and assess which needs among the many have the highest priority in the five-year Consolidated Plan cycle. Identifying and assessing fair housing issues, priorities, and goals entail different concepts and may require different stakeholders.
  - The 2015 AFFH rule reasonably designed the AFFH public participation process to be separate and precede the decision making associated with the Consolidated Plan and its Annual Action Plan system.
  - The separate community participation process ensures that people who are most impacted by the fair housing consequences of housing and community development decisions have a voice in the planning process.

- **Public housing agencies (PHAs) would not have to meaningfully participate in the new AFFH process.**
  - Under the proposed rule, a PHA would not have an active role in the planning process and would only have to state that it consulted with a jurisdiction regarding their common fair housing issues. The 2015 rule required PHAs to meet their obligation to affirmatively further fair housing by working with a local or state government preparing an Assessment of Fair Housing (AFH), partner with other PHAs for an AFH, or conduct its own AFH.
  - PHAs are important partners for AFFH because of their role administering programs that increase housing choice, like public housing and Housing Choice Vouchers.
  - PHAs make decisions regarding project basing of vouchers, the implementation of Small Area Fair Market Rents, proposals to develop mixed-finance projects, the demolition or disposition of public housing projects, and the administration of the voucher program.
- **Because jurisdictions would no longer need to conduct a data-driven analysis of the housing barriers in their communities, the proposed rule would not increase housing choice for members of protected classes under the Fair Housing Act.**
  - Jurisdictions would not be required to address the severe shortage of accessible homes or remove other barriers to independence for people with disabilities.
  - Jurisdictions would not be required to examine any barriers to housing for immigrants.
  - Jurisdictions would not be required to address historic and ongoing patterns of discrimination, segregation, or disinvestment based on race or other protected classes.
  - Jurisdictions would not be required to identify and address barriers to housing for families with children.
  - Jurisdictions would not be required to ensure survivors of domestic violence have equitable access to housing.

The Housing & Community Development Network of NJ opposes this proposed rule and urges HUD to retract it and fully implement the 2015 AFFH rule.