

NEW YORK HOUSING CONFERENCE

October 15, 2018

Office of General Counsel
Rules Docket Clerk
U.S. Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Submitted Electronically

RE: Docket No. FR-6123-A-01, Affirmatively Furthering Fair Housing: Streamlining and Enhancements

I am writing on behalf of New York Housing Conference (NYHC) in response to the Advanced Notice of Proposed Rulemaking (ANPR) seeking comments regarding HUD's intent to streamline the Affirmatively Furthering Fair Housing (AFFH) rule. NYHC is a nonprofit affordable housing policy and advocacy organization. We represent a statewide coalition of affordable housing practitioners, advocates and experts in real estate, finance and community development. Our mission is to advance City, State and Federal policies to support the development and preservation of decent and affordable housing for all New Yorkers.

NYHC is in support of the Affirmatively Furthering Fair Housing (AFFH) Rule that was finalized in 2015 and urges HUD to preserve the rule in the form that it was implemented as it is critical to ensure fair housing for everyone in the United States. The AFFH Rule is necessary to ensure all people throughout this country have access to housing free from illegal discrimination and that residents of all neighborhoods are connected to the kinds of opportunities they need to flourish.

The purpose of the Affirmatively Furthering Fair Housing AFFH rule (AFFH) is to assist localities in meeting their long standing/existing requirement to Affirmatively Further Fair Housing set forth in the Fair Housing Act of 1968 by providing them with resources in the form of guidance, a data and mapping tool, and technical assistance to support their planning success. The locally-driven planning process called the Assessment of Fair Housing (AFH) helps communities overcome persistent and growing challenges related to disparities in opportunity, fair housing choice and racially concentrated poverty for all protected classes.

In New York, where NYHC is located, racial inequities continue to persist and impact housing opportunity. Minorities are more than twice as likely to be in poverty than white residents.¹ Additionally, Black and Latino New Yorkers are almost seven times as likely to live in high poverty neighborhoods than White New Yorkers.² People who live in high-poverty neighborhoods often lack

¹ National Equity Atlas. 2018. Percent People Below Poverty by Race/Ethnicity: New York, 2015.

https://nationalequityatlas.org/indicators/Poverty/Trend%3A40241/New_York/false/Poverty_Level%3A100

² National Equity Atlas. 2018. Percent Living in High-Poverty Neighborhoods by Race/Ethnicity: New York, 2015.

https://nationalequityatlas.org/indicators/Neighborhood_poverty

access to high-quality education, employment opportunities, public transit, services, safe streets, and other essential ingredients necessary to create pathways for success for residents. This year, in response to these persistent disparities and the suspended AFH requirement, NYC local leaders introduced the 'Where We Live NYC' initiative, a multiagency partnership to engage community stakeholders and review existing policies to ensure robust, data-driven planning as the City seeks to fulfill its responsibility to further fair housing and provide more housing choice for New Yorkers. NYHC urges the federal government to work as a partner with NYC and other localities across the country to reduce the barriers to fair housing and opportunity by preserving and implementing the AFFH rule and AFH.

In response to some of the issues raised by HUD in the ANPR, NYHC offers the following thoughts:

- Contrary to the ANPR statement, the current rule does not prescribe goals and metrics, rather the rule provides communities with the tools and resources to identify the challenges and barriers to fair housing and opportunity that exist in their community and then the community sets the goals and metrics based on what makes sense for the local context.
- The AFFH rule provides for robust community input, it is important to have community participation that is specifically focused on fair housing issues and planning to ensure that these issues are given proper attention and to address the multitude of issues that impact fair housing.
- The rule provides that HUD will monitor the connection between assessments, priorities, investment and fair housing results. This is a proper and effective way to evaluate progress as long as there continues to be federal emphasis on both expanding housing options in high opportunity areas and revitalizing low-income neighborhoods in need of investment and resources.

For the above reasons, we believe it is critical for HUD to preserve the Affirmatively Furthering Fair Housing regulation as enacted in 2015.

Sincerely,



Rachel Fee
Executive Director, New York Housing Conference