



April 24, 2023

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

Re: FR-6250-P-01 Affirmatively Furthering Fair Housing Proposed Rule (Docket # HUD-2023-0009)

To Whom It May Concern:

On behalf of Stewards of Affordable Housing for the Future (SAHF), thank you for the opportunity to provide comments on the Affirmatively Furthering Fair Housing (AFFH) Proposed Rule (Docket # HUD-2023-0009). SAHF and our members strongly support the Fair Housing Act of 1968's obligation to end discrimination and segregation and expand access to opportunity for all; and see this proposed rule as a beacon of turning the promise of AFFH into meaningful actions.

SAHF is a collaborative of twelve exemplary multi-state nonprofits who collectively own, operate, and manage more than 145,000 affordable rental homes in more than 1,900 properties across the country. It is with this lens and our commitment to a more equitable use of resources that we provide feedback on HUD's AFFH proposed rule. Specifically, SAHF and its members seek to inform strategies that can drive public investment in affordable homes that connect people and communities to opportunities, *and* processes that improve transparency and accountability while recognizing the realities that cost and timing pressures bear on affordable housing development.

SAHF appreciates HUD's goal of improving this regulation after receiving feedback on the 2015 AFFH rule, and believe that the proposed rule builds on strong foundations while streamlining requirements and putting a greater emphasis on community engagement, transparency, and accountability. These three tenets are key to a process that is informed by and improves communities. As mission-driven affordable housing developers, SAHF members are encouraged by the proposed rule and look to partner with HUD and local communities to affirmatively further fair housing. Below are SAHF's responses to questions posed in the proposed rule, with specific recommendations on clarifying the balanced approach definition, further supporting mobility strategies and community asset analyses, and providing sufficient capacity and guidance for a meaningful compliance and enforcement process.

### ***Responses to HUD Questions***

*HUD requests feedback on whether including the definition of "Balanced Approach" is helpful in understanding how to connect funding decisions to advancing equity within communities and how this definition can be modified or improved in order to more clearly make that connection.*

SAHF and its members strongly support a balanced approach to fair housing—a concept that incorporates strategies to preserve existing affordable housing and reinvest in distressed or gentrifying neighborhoods, *and* strategies to support mobility and moving to high opportunity areas. Neither alone can address housing disparities caused by decades of segregation, concentrations of poverty, the lack of

COLLABORATE. INNOVATE. ACCELERATE.

---

**Stewards of Affordable Housing for the Future**

1120 G Street NW Suite 800, Washington, D.C. 20005 • P (202)737-5970 • [www.sahfnet.org](http://www.sahfnet.org)

affordable housing in well-resourced neighborhoods, the lack of community assets in high-poverty areas, and the loss of affordable housing to meet the needs of a community. SAHF has been a steadfast advocate for the balanced approach and is pleased that HUD has provided a robust definition in the proposed rule; urges program participants to consider the impact of economic factors affecting fair housing choice, including rising rents, evictions and displacement from existing housing due to gentrification, as part of their balanced approach; and recognizes the value of community assets as well as housing and infrastructure to well-resourced communities.

While we agree with HUD’s assessment that a combination of actions will be necessary in most communities, which would include both place-based and mobility strategies, we believe that HUD should provide further guidance on the balanced approach to avoid misinterpretations and better connect funding decisions to advancing equity within communities. We urge HUD to convey in such guidance that a balanced approach should not require a 50/50 split. Certain language in the proposed rule such as “*a combination of actions* designed to address all these disparities” and “community planning and investment would *need to balance place-based strategies with mobility strategies*” (emphasis added) could be misinterpreted to suggest an equal allocation of resources between mobility and place-based strategies is needed, even without the context of the jurisdiction’s existing disparities and work in progress to address such disparities.

While the program participant’s Equity Plan is a five-year fair housing plan and would need to include a balanced approach, the NPR also calls for Equity Plan strategies to be incorporated into a jurisdiction’s one-year action plans and to submit progress reports annually. If a program participant were to interpret the balanced approach requirement to be a 50/50 split, it may further interpret that annual funding must split evenly between these strategies. For some jurisdictions, this may be an appropriate course of action but in an era of funding and capacity constraints, as well as increased construction and operating costs, this split could be arbitrary and harmful to the communities and projects that could have otherwise been supported. For example, supply-side investments often require bigger blocks of funding at a time and cannot be as quickly deployed as demand-side investments. Should a program participant set an arbitrary split, the supply-side investment would be unlikely to be funded at the levels needed. Guidance should be provided to program participants to clarify that a balanced approach does not necessarily equate to an equal distribution of investments and will likely require a multi-year timeframe to be adequately measured.

*Are there different or additional regulatory changes HUD could make to the proposed rule that would be more effective in affirmatively furthering fair housing, including ways to improve access to community assets and other housing-related opportunities for members of protected class groups, including historically underserved communities, individuals with disabilities, and other vulnerable populations?*

Support Mobility Strategies Through HUD Regulations and Resources: We appreciate that HUD has defined mobility strategies as part of a balanced approach to encapsulate Housing Choice Vouchers (vouchers), counseling, and development of affordable housing in well-resourced communities. SAHF members know the importance of vouchers and yet have also witnessed their limitations without the supply of housing to support them. We encourage HUD to consider additional ways to improve mobility strategies, including by expanding current utilization of Small Area Fair Market Rents (SAFMRs) and

process exception rents when needed. Public Housing Authorities should also consider project-basing vouchers as another strategy in their balanced approach.

Support Resident Services as Community Assets: As mentioned in the balanced approach discussion, we appreciate HUD's recognition of community assets affecting the quality of housing opportunities. As HUD considers ways to provide data and technical assistance to support program participants' analysis of community assets, we would encourage HUD to explore the impact of resident services and service coordinators. Service-enriched housing (also often referred to as housing with resident services) can reduce disparities in access to services and outcomes for residents, allow seniors to age in place in their own neighborhoods, and offer opportunities to build agency, resilience, and independence. The COVID-19 pandemic demonstrated what SAHF member organizations have long known service-enriched housing supports housing stability and improved outcomes in many areas. During the pandemic, resident services coordinators (RSCs) helped residents of affordable housing apply for rental assistance, access resources to close the digital divide and meet basic needs that can undermine housing stability. RSCs helped keep residents and portfolios healthy, by providing health and safety supports and accessing millions of dollars of rental assistance in the SAHF portfolio alone. Moving from anecdotes to evidence, SAHF has engaged with SAHF members and other high-capacity practitioners to better understand and articulate the core competencies, common language, standardized practices, and infrastructure necessary to support a scalable model for service coordination that is both resident-centered and data-driven.

### ***General Comments on Capacity and Compliance***

Consider multiple avenues for TA: SAHF appreciates HUD's attempt to make the Equity Plan development less burdensome for program participants and its intention to provide ongoing guidance and technical assistance as the rule is finalized and implemented. In fact, the proposed rule references technical assistance no less than 35 times. We urge HUD to consider how it will stand by these expectations in uncertain federal funding cycles. Technical assistance will require timely guidance, capacity of providers and funding to implement. HUD should consider train-the-trainer models as well as peer learning to ensure assistance can be provided even in scenarios where funding for technical assistance is more limited. We also recommend that the technical assistance provided for community engagement and equity plans encourages resident voice and agency, including considering how program participants could promote the adoption of good resident voice processes through its investments.

Provide Robust Guidance on Evaluation and Compliance: We also appreciate that HUD is seeking to provide more clarity, direction, and guidance for program participants to promote fair housing choice; to provide more transparency to the public and greater opportunity for public input and resident voice to be incorporated; and to provide accountability, a mechanism for regular progress evaluation, and a greater set of enforcement options to ensure that program participants are meeting their planning commitments and to provide them the opportunity to revise commitments where circumstances change. These are some of the key aspects of the proposed rule, and yet will require significant capacity and guidance to properly implement. For example, HUD will be responsible for opening compliance reviews in response to public complaints or if its own merit; the Responsible Civil Rights Official will

provide notice to the program participant of the investigation, and may conduct interviews, request records, and obtain other information required to determine whether there has been a failure to comply; and then HUD has indicated it will maintain a range of enforcement options to ensure compliance and offer tailored approaches. The compliance and enforcement process have yet to be detailed, but these actions indicate that the work will be hands-on, requiring high levels of consistency and capacity. HUD should provide further guidance on these actions with the opportunity for stakeholder engagement and feedback to ensure that HUD and program participants have a meaningful AFFH compliance and enforcement process for AFFH, while not unnecessarily delaying community recourse or disrupting project completions.

We appreciate this opportunity to provide comments in response to the proposed rule. We look forward to working with HUD, program participants and across communities to affirmatively further fair housing. Please feel free to contact Althea Arnold, SAHF's Senior Vice President for Policy ([aarnold@sahfnet.org](mailto:aarnold@sahfnet.org)) with any questions about our comments above.

Sincerely,



Althea Arnold  
Senior Vice President, Policy