

MEMORANDUM

To: Sunia Zaterman, CLPHA Executive Director
From: Iyen A. Acosta, R&C
CC: Steve Holmquist, R&C
Date: March 22, 2023
Re: Affirmatively Furthering Fair Housing Proposed Rule Working Comments

HUD published the Affirmatively Furthering Fair Housing (AFFH) Proposed Rule on February 9, 2023. Comments to the AFFH Proposed Rule are due on April 10, 2023. Below are general comments based on member feedback to date. Also provided below are certain issues that need additional feedback from membership.

General Comments

- Deadline to commence Equity Plan process, including planning and community engagement, should post-date the effective date of the final rule, and in any event the deadline to submit an Equity Plan should be at least 24 months after the effective date of the rule (not 1 year prior to the date for which a new consolidated plan is due, starting January 1, 2024, as currently provided in the Proposed Rule).
- The Proposed Rule does not adequately address the administrative and cost burden problems of the previous AFFH rule. Given the depth of analysis required of an Equity Plan, PHAs are likely to need consultant assistance again.
- HUD has not made adequate current and historic demographic data available to PHAs to conduct the equity analyses required under the Proposed Rule. All contemplated tools and data sets in the Proposed Rule should be made available to PHAs at least 24 months prior to any Equity Plan submission deadline.
- Alternatives to the Proposed Rule:
 - Proposal 1: remove PHAs from definition of “program participant” and restrict Equity Plan requirements to jurisdictions and insular areas, though PHAs are encouraged to participate in their local jurisdiction’s Equity Plan process.
 - Proposal 2: create pilot program with a diverse group of program participants, including PHAs, to test the proposed Equity Plan framework and improve the Proposed Rule prior to universal implementation.

Need Additional Feedback from Members on the Following Comments

- Alternative proposal for submission deadlines (currently larger portfolio PHAs have earlier submission deadlines).

- How Equity Plans should be submitted to HUD (e.g., through a secure portal, via email, through a webpage that allows uploads, etc.) and whether HUD should mandate the file format the Equity Plan is submitted in (e.g., MS Word, PDF, etc.).
- Additional ways HUD could incentivize PHAs to collaborate with consolidated plan program participants in conducting an Equity Plan.
- Additional ways HUD could incentivize program participants to submit joint Equity Plans.
- Circumstances that constitute a material change that triggers a revision to an existing Equity Plan, e.g. presidentially declared disaster that impacts program participant's jurisdiction.
- Needed improvements to and additional functionality of existing AFFH-T Data & Mapping Tool.
- Additional data sets and data sources, data packages and narrative descriptions of data packages, tools, and technical assistance HUD should make available for the Equity Plan process.
- Whether HUD should provide data that is not nationally uniform if it is available for certain program participants but not all program participants.