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GENERAL NEWS

HUD Announces Proposed Rule on “Affirmatively Furthering Fair Housing”

In a [press release](#) yesterday, the Department of Housing and Urban Development ([HUD](#)) announced that it will imminently publish in the *Federal Register* a [notice of proposed rulemaking](#) entitled “Affirmatively Furthering Fair Housing ([AFFH](#)).” According to the announcement:

This proposed rule implements the [Fair Housing Act](#)'s affirmatively furthering fair housing mandate, which directs the government to promote fair housing choice, eliminate disparities in housing, and foster inclusive communities. While building avenues for greater accountability, this proposed rule streamlines the required fair housing analysis for local communities, states, and public housing agencies and requires them to set ambitious goals to address fair housing issues facing their communities, among other landmark changes.

Specifically, the proposed rule:

- Would encourage HUD program participants to take action in order to ensure members of protected classes have equitable access to affordable housing opportunities
- Incorporates much of the framework of the [2015 AFFH rule](#) and includes several refinements based on feedback HUD received from a variety of stakeholders.
- Is designed to simplify the required fair housing analysis, emphasize goal setting, increase transparency for public review and comment, foster local commitment to addressing fair housing issues, enhance HUD technical assistance to local communities, and provide mechanisms for regular program evaluation and greater accountability, among other changes.
- Would require program participants to submit every five years an Equity Plan to HUD for review and acceptance. The plan, a modified version of the Assessment of Fair Housing (AFH) performed under the 2015 rule, is developed following community engagement and contains the fair housing analysis, goals, and strategies.
- Would require program participants to incorporate goals and strategies from their accepted Equity Plans into subsequent planning documents (e.g., consolidated plans, annual action plans, and public housing agency plans).
- Would also require program participants to conduct and submit to HUD annual progress evaluations that describe progress toward and/or any needed modifications of each goal in the Equity Plan.
- Would require both the Equity Plans and the annual progress evaluations to be posted online.
- Includes provisions that permit members of the public to file complaints with HUD if program participants are not living up to their AFFH commitments and various other provisions that enable HUD to ensure that program participants are held accountable for complying with the rule.

HUD seeks public comment on this proposed rule and invites all interested parties and members of the public to submit their views, comments, and recommendations for improvement for this proposal. Publication in the *Federal Register* will determine the start of the public comment period.

For further details on the proposed rule, HUD has made available a [fact sheet](#), a [quick reference guide](#), and a [public comment how-to guide](#).



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