



Fair Housing Rule Backlash Expanding

HUD's campaign to rigidly enforce its new interpretation of the 1968 Fair Housing Act is meeting resistance as details of the 377-page rewrite of the law emerge through guidance directives issued by the department.

The latest reaction to the Affirmatively Furthering Fair Housing rule issued in July 2015 comes in response to HUD's AFFH assessment tool for public housing authorities (PHAs). The guidance notice provided 60 days for PHAs to respond.

In a scathing 15-page dissection of the PHA assessment tool, the Public Housing Authorities Directors Association (PHADA) opens by accusing HUD of ineffectively enforcing the Fair Housing Act since 1968. PHADA says the lackadaisical enforcement approach created a continuing "existence of de facto segregated housing patterns."

HUD requires PHAs to compile Analyses of Impediments reports, a continuing assessment of obstacles to the attainment of universal fair housing, a requirement public housing advocates contend only duplicates information the department already compiles for its databank.

"After 48 years of lackluster outcomes produced by the department's approach to AFFH, one hopes that it is time to consider other approaches that might offer more positive outcomes, ones that HUD might have the capacity to oversee and monitor," PHADA says.

"Unfortunately, that is not the course the department has chosen," PHADA continues. "Instead, HUD has doubled down on its procedural approach, creating a new system that PHADA believes will consume unreasonable local, state and federal resources at a time when those resources are increasingly scarce, and that will significantly increase burdens for HUD's partners and for the department's staff."

Pointing to HUD's published estimates of the administrative burdens created by the agency's required Assessment of Fair Housing (AFH) reports, PHADA notes efforts to produce the reports will consume almost 320,000 man hours annually, estimating that one-third of the country's more than 3,200 PHAs will submit an AFH independently. Others likely will hire experts to compile their reports.

PHADA says it is likely that:

- HUD's approach will fail to produce outcomes any more encouraging than it has produced since 1968, and;
- HUD will probably continue to fail to monitor and oversee the AFH processes effectively, fairly and consistently.

PHAs are contending with a 16-page AFFH assessment tool guidance that has 42 pages of instructions to provide a better understanding of the tool.

Calling the assessment tool inappropriate and unclear, PHADA says it represents a significant impediment to PHAs accomplishing their core missions of providing housing for the poor.

"HUD lacks the capacity to analyze submitted AFHs in any serious way," PHADA says, adding "it is unlikely that HUD will develop resources to complete that analysis without cannibalizing other departmental functions."

Info: See the PHADA comments at www.cdpublications.com/docs/8887

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