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**To:** Perez, Tony  
**Subject:** CLPHA Update: HUD Announces New AFFH Proposed Rule



## CLPHA Update

### January 7, 2020

#### HUD Announces New AFFH Proposed Rule

Today, HUD issued a [press release](#) to announce its new proposed rule on Affirmatively Furthering Fair Housing (AFFH). The [rule](#), which has not yet been published in the Federal Register, comes after HUD suspended the PHA tool in early 2018 that was designed to help PHAs meet their obligation to affirmatively further fair housing. In late 2018, HUD sought comment on amendments to AFFH regulations through its [Streamlining and Enhancements Notice](#).

In our 2018 [comments](#), CLPHA and Reno & Cavanaugh advocated that in a new rule, HUD should implement safe harbors that would provide protection for PHAs making reasonable efforts to affirmatively further fair housing, provide additional resources to PHAs for data collection and other activities required to analyze impediments to fair housing, and incorporate a more nuanced view on fair housing strategies that includes preservation and revitalization efforts.

The new proposed rule contains substantial revisions to the process for PHAs to demonstrate that they are fulfilling their AFFH obligations. Among other changes, the rule proposes: a new definition of what constitutes affirmatively furthering fair housing; three data points that HUD will use to evaluate whether PHAs are meeting their AFFH obligations and determine high-performing AFFH agencies; new incentives such as NOFA preference points for agencies that are high-performing; and a new oversight process that would substantially curtail HUD's previous practices for ensuring AFFH compliance.

CLPHA and Reno & Cavanaugh will be submitting comments on the proposed rule. CLPHA will provide further analysis of the rule and announce plans for soliciting member feedback after the rule is published. The comment period will open once the rule is officially published in the Federal Register.

Questions about the rule can be addressed to Senior Research & Policy Analyst Emily Warren at [ewarren@clpha.org](mailto:ewarren@clpha.org).

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