



April 6, 2023

The Honorable Marcia Fudge
Secretary
U.S. Department of Housing and Urban
Development Regulations Division, Office of
General Counsel
451 7th Street SW, Room 10276
Washington, DC 20410

RE: HUD's Affirmatively Furthering Fair Housing (AFFH) Proposed Rule [Docket No. FR-6250-P-01]

Dear Secretary Fudge,

The American Institute of Architects (AIA) is committed to protecting the health, safety, and welfare of the public. Since 1857, this concern has been central to all that we do. As a key component of this goal, AIA works to support federal initiatives that promote equitable housing opportunities for Americans in need, particularly low-income and historically disadvantaged communities.

AIA writes to you today to provide our recommendations regarding the Department of Housing and Urban Development (HUD)'s Proposed Affirmatively Further Fair Housing (AFFH) Rule. We also write to commend HUD and the Biden-Harris Administration on their efforts to reimplement the AFFH. Doing so satisfies U.S. statutory requirements by codifying proactive measures to overcome patterns of segregation, promote fair housing choice, eliminate disparities in housing opportunities, and foster discrimination-free inclusive communities.

AIA supports HUD's proposed regulation to implement agency obligations to affirmatively further fair housing as codified in *Title VIII of the Civil Rights Act of 1969*, also known as the *Fair Housing Act*. HUD's proposed rule improves on the 2015 AFFH rule.

AIA Feedback and Recommendations to HUD:

Enhanced Community Engagement Provisions

AIA commends HUD's approach to hold at least three "meetings" during the development of Equity Plans, including two additional public meetings each year to obtain public input on program participants' progress toward their fair housing goals.

To ensure that the underserved communities HUD serves have ample opportunities to provide input, AIA recommends HUD consider utilizing various accessible locations, including hybrid virtual and in-person settings. It is also important that the meetings occur throughout the day for accessibility for those with disparate work schedules. This may also better empower the voices of those with child and elder care responsibilities, disabled persons, and/or those with transportation challenges.

Improved Public Transparency

HUD's requirement to post online submitted Equity Plans, Annual Progress Evaluations, and relevant communication information is a welcome step forward. AIA also commends HUD for its approach to receiving public input into Equity Plans that have been submitted to HUD as a method to ensure compliance with the AFFH rule. In addition, we are also pleased with HUD's approach for enabling public complaint submissions for allegations that a program participant is failing to comply with the AFFH rule, as well as HUD's obligation to process such complaints.

Accountability and Enforcement

AIA supports HUD's rule to require an Equity Plan's fair housing goals to be incorporated directly into Consolidated Plans and Public Housing Authority (PHA) Plans. This will ensure that program participant activities and taxpayer dollars are consistently used to affirmatively further fair housing. AIA also supports HUD's requirement for annual evaluations of progress toward achieving fair housing goals, including two annual public meetings.

AIA applauds HUD's final rule and the agency's efforts to ensure public feedback on these important issues. Doing so will provide greater opportunities for public feedback that aligns with HUD's intent with the Proposed Rule. It also could eliminate errors or flaws in Equity Plans before HUD's review.

Balanced Approach to AFFH

AIA is pleased to see HUD's approach (through the proposed rule) to overcome fair housing challenges, such as complimentary community investments that improve transportation infrastructure.

AIA applauds HUD for reinstating the Affirmatively Furthering Fair Housing rule and stands ready to collaborate on this work. Please do not hesitate to contact me if you have any additional questions or would like more information from AIA.

Sincerely,



Sarah Dodge
Senior Vice President of Advocacy and Relationships
American Institute of Architects