

HUD to Revise Affirmatively Furthering Fair Housing Rule

Ballard Spahr
LLP

Article By

[Amy M. Glassman](#)
[Ballard Spahr LLP](#)
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Yesterday, HUD [announced](#) that it intends to amend its 2015 regulations on affirmatively furthering fair housing, or AFFH. HUD is giving the public 60 days from publication of its [advance notice of proposed rulemaking](#) to provide comments on the current AFFH rule. HUD seeks comments that will help it revise the rule to:

- “Minimize regulatory burden” while more effectively fulfilling the AFFH requirements
- Focus on “positive results” rather than “analysis of community characteristics”
- Allow “greater local control and innovation”
- Increase housing choice, including greater supply
- “More efficiently use HUD resources”

This announcement comes after HUD first [extended the deadlines for](#), then [withdrew](#), its AFFH Local Government Assessment Tool, which had been the subject of some controversy related to the reporting burden associated with the tool and other criticisms. The Local Government Assessment Tool is to be used by cities and other entities that receive Community Development Block Grants, HOME Investment Partnerships Program, Emergency Solutions Grants, or Housing Opportunities for Persons With AIDS formula funding from HUD. HUD’s announcement also comes while HUD is being [sued by advocacy groups](#) related to these actions regarding the assessment tool.

The 2015 AFFH rule contemplated that public housing authorities, states and insular areas would also use a different tool to conduct assessments of fair housing, but those tools have not yet been finalized.

These actions by HUD do not eliminate the Fair Housing Act's requirements for recipients of HUD funds to affirmatively further fair housing. Indeed, most recipients certify that they further fair housing in connection with various applications for HUD funds and other HUD submissions. Instead, HUD's actions return most entities to the requirements in effect prior to the 2015 rule, in which they must conduct an analysis of impediments rather than use an assessment tool.

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