



The Colorado Health Foundation™

# Comments on “Affirmatively Furthering Fair Housing Revisions”

May 2, 2025

Secretary Scott Turner

U.S. Department of Housing and Urban Development

Attention: RIN 2529-AB08

451 7th Street, S.W., Room 10276

Washington, D.C. 20410-0500.

*Submitted electronically via Regulations.gov*

**RE: Comments on “Affirmatively Furthering Fair Housing Revisions”**

Dear Secretary Turner:

The Colorado Health Foundation (CHF or the Foundation) opposes the Administration’s proposed interim rule entitled, [Affirmatively Furthering Fair Housing \(AFFH\) Revisions](#). The proposed rule would weaken implementation of the Fair Housing Act by removing critical tools currently available to states and localities to protect against unfair housing practices and discrimination. The

proposed rule would replace these tools with weakened requirements that could increase the incidence of discrimination, so we ask that HUD immediately withdraw the 2025 Interim Final Rule (IFR) and reinstate the 2021 AFFH IFR.

We

also urge HUD to fully implement and enforce the Affirmative Marketing Regulations and maintain the requirement for [Affirmative Fair Housing Marketing Plans \(AFHMPs\)](#).

As Colorado's largest private foundation, CHF works statewide to bring good health and well-being within reach for everyone who calls Colorado home. We are a non-profit, nonpartisan organization that advances our mission to improve the health of Coloradans through community engagement, grantmaking, research, and private sector investments. Access to affordable, safe, and high-quality housing has long been one of our priorities. We believe that housing justice exists when Coloradans who live on low-income and have historically and are currently systematically excluded based on their race and ethnicity have high-quality, safe, and affordable housing that supports their health, economic well-being, and dignity; have the power to shape and achieve the housing they prefer; and have the ability to cogovern both policies and systems that impact them. The Foundation strongly opposes HUD's proposed rule because rather than strengthening efforts to actively and affirmatively eliminate housing disparities that directly impact health, it weakens them.

### **Colorado's Affordable Housing Crisis**

Housing is a key determinant of health and plays a critical role in bringing health in reach for all Coloradans. Currently, Colorado – and the nation – are in the midst of a fair and affordable housing crisis. Increases in Colorado housing costs have [outpaced income](#). As evidenced by our foundation's [Pulse Poll](#) in 2023, housing affordability ranks among the top concerns for over 80 percent of Coloradans. According to the statewide poll, 89% of Coloradans say the cost of housing is a

serious problem and more than 70% cite that they are worried about whether they will be able to afford to live in Colorado in the future. As a result of the high cost of housing:

- 63% of Coloradans have to work multiple jobs or more than they want to in order to pay their rent or mortgage,
- 68% have had to cut back on or go without other needs such as food or health care,
- 72% have fallen behind on other bills of payments,
- 73% have taken on high-interest debt like credit card balances or payday loans,
- 77% have stayed in housing that was not right for them because they felt they could not afford alternate options,
- 81% sold property or important assets such as a car that they would have liked to keep but needed to sell in order to afford their rent or mortgage, and
- 67% of renters have avoided asking their landlord to address problems because they were afraid of having their rent increased or being evicted.

Colorado's housing affordability challenges result from multiple factors that will require local, state, and federal public policy interventions to change. It is imperative that any regulatory efforts to affirmatively further fair housing increase housing opportunities for all people and create opportunities for state and local governments to foster thriving and inclusive communities.

## **Housing Discrimination in Colorado**

A legacy of discriminatory practices like redlining and restrictive covenants have amplified the impact of the housing crisis for Coloradans of color, [particularly Black Coloradans](#). This crisis calls for reforming housing finance and development to be more equitable. In 2024, Colorado had [631 fair housing](#)

**complaints.** Of these, more than half (58%) were related to discrimination based on a disability. The same trend holds true nationwide where 52% of complaints filed with Fair Housing organizations, HUD, and Fair Housing Assistance Program (FHAP) agencies were based on a disability. **According to** the Denver Metro Fair Housing Center, 80% of all individuals in Colorado who hold a housing voucher live in a home with at least one person who has a disability. Colorado also **saw** significant complaints on the basis of sex and racial discrimination. The evidence **shows** that same-sex couples are less likely to have their rental inquiries responded to and often face higher rents than heterosexual couples. Also in our **state**, Black individuals are disproportionately represented in the Denver metro area population experiencing homelessness while White Coloradans are twice as likely to own a home compared to Black Coloradans.

The Foundation opposes all types of housing discrimination because it is harmful to the health and well-being of our communities. We continue to have a great deal of work ahead to undo years of segregation and discrimination and to fight the unfair practices that continue today. Housing justice and racial justice are inextricably linked to people's health and wellbeing. Today's housing crisis disproportionately harms people of color, people with disabilities, and those living on low incomes. Addressing this requires affirmative, proactive approaches.

### **HUD's Rule Will Worsen the Fair and Affordable Housing Crisis**

The AFFH rule currently in place was a critical step in addressing historic and ongoing discrimination. We believe that HUD's 2025 AFFH IFR would only worsen the fair and affordable housing crisis by taking key tools away from states and localities. In addition to overturning clear congressional intent, decades of case law, and meaningful regulations, the IFR's definitions undermine the Fair Housing Act's purpose of creating thriving, inclusive communities. The rule also fails to provide localities with a meaningful framework to advance the people's

aspirations of having a safe, stable place to call home.

HUD's 2025 AFFH IFR imposes further harm on people already experiencing a fair and affordable housing crisis. Our strength as a nation depends on ensuring that all communities are safe and healthy, and HUD must lead during this time of crisis. This means upholding its statutory mandate and the intention of the Fair Housing Act and the AFHA provision to require and equip states and local communities to proactively and intentionally dismantle historic systems of oppression, actively evolving them into thriving, inclusive, affordable, healthy communities instead. HUD's 2025 AFFH IFR is a step in the wrong direction and will only hinder meaningful efforts to actively promote housing opportunities for people of all races, colors, gender, incomes, and disability status.

### **Affirmatively Furthering Fair Housing**

The Foundation strongly urges HUD to fully implement and enforce the Affirmative Marketing Regulations and maintain the requirement for Affirmative Fair Housing Marketing Plans (AFHMPs). We commend the actions HUD has already made towards inclusive advertising and outreach and ongoing assistance to local jurisdictions. To further advance fair housing goals, we urge HUD to enhance oversight of grantee compliance, bolster training and resources to local governments, and prioritize sustained engagement with historically marginalized communities. This is key to ensuring that affirmative marketing effectively reaches and removes barriers for individuals who have historically experienced discrimination based on race, color, national origin, sex, familial status (persons with children under the age of 18, including pregnant persons), disability, or religion. It also includes effectively and proactively reaching individuals with special needs.

### **Conclusion**

Historically, racism, lack of opportunity, and discriminatory policies – including housing policies advanced by the federal government – have made safe and affordable housing unattainable. This is true in Colorado and elsewhere in the country. The proposed rule would weaken rather than strengthen housing protections under the Fair Housing Act. The Foundation urges you to immediately withdraw the U.S. Department of Housing and Urban Development’s (HUD) 2025 Interim Final Rule titled, *Affirmatively Furthering Fair Housing Revisions* (2025 AFFH IFR) and reinstate the 2021 AFFH IFR as well as fully implement and enforce the Affirmative Marketing Regulations and maintain the requirement for AFHMPs. Implementation of the interim final rule would halt important progress that has been made in addressing segregation and discrimination in affordable housing and cause harm to communities of color, people living on low incomes, and many others.

The Foundation appreciates your consideration of our comments. If you have any questions, please contact Kyle Rojas Legleiter, Colorado Health Foundation Senior Director of Policy, at [klegleiter@coloradohealth.org](mailto:klegleiter@coloradohealth.org) or 303-953-3618.

Sincerely,  
Kyle Rojas Legleiter  
Senior Director of Policy  
Colorado Health Foundation

For a downloadable copy of this letter, click [here](#).

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Announcements

**POST DATE**

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**BY**

Kyle Rojas Legleiter