



The Colorado Health Foundation™

March 12, 2020

Office of the General Counsel  
Rules Docket Clerk  
Department of Housing and Urban Development  
451 Seventh Street SW, Room 10276  
Washington, DC 20410-0001

Via regulations.gov

RE: HUD's Affirmatively Furthering Fair Housing Proposed Rule, Docket No. FR-6123-P-02

The Colorado Health Foundation appreciates the opportunity to submit comments to the Department of Housing and Urban Development (HUD) on its proposed rule changes regarding: *Affirmatively Furthering Fair Housing (AFFH)*. We strongly oppose the proposed changes and urge HUD to withdraw the proposed rule.

The Colorado Health Foundation is the state's largest private foundation and the third largest foundation focused on health in the nation. We work closely with partners in the private, public and nonprofit sectors to bring health in reach for all Coloradans. Our work is grounded in serving Coloradans living on low-incomes and who historically have had less power and privilege; putting the creation of health equity at the center of everything we do, as well as ensuring that our work is informed by the community and those we exist to serve.

Housing is a key determinant of health and plays a critical role in bringing health in reach for all Coloradans. Currently, Colorado, like most of the nation, is experiencing a significant affordable housing crisis. In a 2018 poll the Colorado Health Foundation conducted with the Kaiser Family Foundation, three in ten Coloradans indicated that they were worried they might lose their home in the coming year because they were unable to afford their rent or mortgage. We know that if a household is spending too much of its income on rent or mortgage payments, there is much less money available for other key essentials such as food and medical care, which can contribute to poorer health for low-income individuals and families. A stable and affordable home is a key foundation of good health.

We also know that in Colorado specifically, the practice of redlining has greatly disadvantaged people of color. We continue to have a great deal of work to undo years of segregation and discrimination and fight the unfair practices that continue today. Housing justice and racial justice are inextricably linked. Today's housing crisis disproportionately harms people of color and those living on low-income. Most

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deeply poor renters paying more than half of their income for rent and utilities are people of color, the result of decades of discrimination and disinvestment.

The AFFH rule currently in place was a critical step in addressing historic and ongoing discrimination. Unfortunately, the proposed rule would completely undermine this progress in the following ways: .

- The proposed rule change ignores the legacy of racial segregation and fails to address barriers to housing choice. It does not mention segregation by name and barely mentions discrimination. Addressing inequities in our communities should continue to be the primary focus of the rule.
- The proposal is false in its assertion that simply increasing the supply of market-rate housing will increase fair housing choices. It will instead only further the damaging effects on low-income populations and their ability to find affordable housing in their communities.
- The proposal to evaluate jurisdictions' success by measuring the adequacy of the support of affordable housing invested rather than looking at actual housing opportunities for members of the protected classes will only allow jurisdictions to continue to ignore their legal obligations without consequence.
- The proposed rule eliminates the AFFH public participation process required in the 2015 rule. This could drastically hinder community's ability to shape affordable housing to fit their needs and priorities. The current community participation process ensures that people who are most impacted by the fair housing consequences of housing and community development decisions have a voice in the planning process.
- Because jurisdictions would no longer need to conduct a data-driven analysis of the housing barriers in their communities, the proposed rule would not increase housing choice for members of protected classes under the Fair Housing Act.
  - Jurisdictions would not be required to address the severe shortage of accessible homes or to remove other barriers to independence for people with disabilities.
  - Jurisdictions would not be required to examine any barriers to housing for immigrants.
  - Jurisdictions would not be required to address historic and ongoing patterns of discrimination, segregation, or disinvestment based on race or other protected classes.
  - Jurisdictions would not be required to identify and address barriers to housing for families with children.
  - Jurisdictions would not be required to ensure survivors of domestic violence have equitable access to housing.

Access to affordable and safe housing impacts all aspects of an individual's life. If finalized, this proposed rule would allow more discriminatory practices to exist, potentially limiting opportunity and heightening existing disparities in health, education, and wealth. We firmly believe that HUD should withdraw these



proposed modifications to the AFFH rule. Implementation of the proposed rule would halt any progress that has been made in addressing segregation and discrimination in affordable housing and do real harm to communities of color and people living on low incomes. We cannot allow discrimination to be used to keep safe housing out of reach for anyone.

We thank you for your consideration of our comments. If you have any questions, please contact Sara Monge, public policy officer, at [smonge@coloradohealth.org](mailto:smonge@coloradohealth.org) or 303-953-3664.

Sincerely,



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