



The Colorado Health Foundation™

April 10, 2023

Regulations Division, Office of General Counsel
U.S. Department of Housing and Urban Development
Attention: RIN 2529-AB05
451 7th Street, S.W., Room 10276
Washington, D.C. 20410-0500.

Submitted electronically via Regulations.gov

RE: Comments on “Affirmatively Furthering Fair Housing”

Dear Secretary Fudge:

The Colorado Health Foundation (CHF or the Foundation) supports the sections of the Department of Housing & Urban Development’s (HUD) proposed rule that would advance the purposes and policies of the Fair Housing Act. We applaud HUD’s efforts to ensure that the agency and its program participants proactively take meaningful action to overcome historic and existing patterns of segregation, achieve integrated living patterns, reduce racial and ethnic concentrations of poverty, increase access to homeownership, and ensure realistic and truly equal access to opportunity and community assets for members of protected class groups, including those in historically underserved communities. These actions are key to redressing historic discrimination, advancing equity and improving health.

As Colorado’s largest private foundation, CHF works statewide to bring good health and well-being in 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, public policy initiatives, research, and private sector investments. Access to affordable, safe and high-quality housing has long been one of our pillars of focus. 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 solutions they prefer; and have the ability to influence and change both policies and systems and move towards a co-governance approach. The Foundation strongly supports HUD’s proposed rule as an important step towards eliminating historic housing segregation and disparities that directly impact health.

We support and commend the proposed rule’s **local approach** to addressing inequities and advancing access. Rather than taking a prescriptive approach, the rule proposes to have local program participants identify the fair housing issues in their own communities, prioritize the fair housing issues they would like to focus on overcoming in the next three to five years, and develop goals to implement in order to overcome the identified fair housing issues. We know that local communities in Colorado and across the nation are best positioned to identify their own needs and have innovative ideas for solving their unique health-related challenges.

While encouraging locally relevant solutions, the proposed rule also includes **expanded community engagement** requirements to help ensure an inclusive approach. Built upon lessons learned from the 2015 Affirmatively Furthering Fair Housing (AFFH) Rule, the proposed rule under consideration would require programs to consult with a broader range of community members including individuals from each protected

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class group, hold meetings in diverse settings, and ensure that individuals with disabilities and their advocates have equal access. Deliberately creating space for and amplifying these voices will create more inclusive and representative community-driven approaches.

Transparency is key to equitable engagement and we commend HUD on its proposal to expand transparency through this rule. Specifically, HUD would make data and maps publicly available – including details regarding currently segregated areas – thereby facilitating greater public engagement in the process. It would also make Equity Plans available to the public and allow the public to submit information as part of HUD’s review of those plans. These steps would provide increased transparency about and public involvement in these processes.

The Foundation also supports the rule’s proposal to **simplify** the fair housing analysis component of the Equity Plan process for smaller program participants. Lessons learned from the 2015 AFFH Rule indicate that these simplifications will help smaller entities conduct their own analysis and be directly involved in the identification of challenges and creation of meaningful fair housing goals. We believe that the balance HUD proposes between this consolidated process for smaller entities and continuation of the broader process for larger entities is spot on. HUD will continue to provide the raw data and AFFH Data & Mapping Tool (AFFH-T) that has been highly valuable since 2015 but will add additional technical assistance and other supports for entities that need them.

Finally, we believe that the proposed **direct linkages** between the Equity Plan’s fair housing goals and the planning processes in the consolidated plan, annual action plan, or PHA plan will help program participants successfully further fair housing. As noted in the proposed rule, we concur that these linkages can help build equity and fairness into decision making processes regarding investments, help entities follow through on the commitments they have made in their equity plans, and ultimately help entities fulfill their obligations under the Fair Housing Act.

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. The proposed rule has the potential to help change that and we applaud HUD for pursuing these important changes. The Foundation urges HUD to quickly move forward with a final rule codifying the parameters as delineated. We appreciate your consideration of our comments.

If you have any questions, please contact Alexis Weightman, Colorado Health Foundation senior policy officer, at aweightman@coloradohealth.org or 303-953-3600.

Sincerely,



Kyle Legleiter
Senior Director of Policy
Colorado Health Foundation