



February 16, 2015

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0500

Re: Affirmatively Furthering Fair Housing Re-Opening of Public Comment Period on Subject of Later First AFH Submission Date for Certain Entities, Docket No: FR-5173-N-03

To Whom It May Concern:

The National Council of State Housing Agencies (NCSHA) appreciates this opportunity to provide additional comments on the Affirmatively Furthering Fair Housing (AFFH) proposed rule regarding HUD's recent proposal to provide states and other targeted entities with the option of submitting their first Assessment of Fair Housing (AFH) at a date later than the date by which HUD will require AFH submission by other local program participants. NCSHA and its member state Housing Finance Agencies (HFA) are committed to removing obstacles that impede anyone from accessing the affordable housing of their choice.

NCSHA welcomes the chance to work with HUD to ensure the most effective implementation possible of the AFFH rule. To that end, we applaud HUD for its recognition that the AFH process as currently envisioned in the proposed rule is better suited to local jurisdictions than it is to states. We strongly support HUD's decision to design a separate assessment tool for states and to allow that tool to undergo the full notice and comment process.

Given HUD's intention to develop a state-specific assessment tool that it will release through a separate proposed rule subject to its own full comment period, NCSHA concurs with HUD that states should not be bound by the same first AFH submission deadline as local jurisdictions, which are likely to have access to their own assessment tool well before the state-specific tool is finalized.

In addition to providing a full comment period for the state assessment tool, NCSHA encourages HUD to allow some states to pilot test the proposed tool prior to requiring it for all states. By undertaking a limited pilot test, HUD will know whether or not any final

modifications are needed before rolling out the state-specific assessment tool to states nationwide. Furthermore, HUD should allow participation in the assessment tool pilot to take the place of what otherwise would be a required Analysis of Impediments for the pilot states.

NCSHA submitted detailed comments on the proposed local assessment tool, including suggestions for how HUD should modify the local tool when developing the state tool. Those comments focused on the mismatch between the states' traditional role and suggestions that they assess fair housing at a granular local level, the disparities between data sets for rural and urban jurisdictions, the limits on state authority to impact local zoning decisions, and how HUD might design a tool that meets the goals of the AFFH rule while minimizing the burden of implementation statewide. We look forward to offering additional suggestions upon HUD's publication of the proposed rule for the state assessment tool.

In closing, NCSHA believes that the goal of the AFH should be to assess—to the best of grantee abilities—the extent to which the provision of affordable housing resources meets the goals of affirmatively furthering fair housing, and to use the information gathered from the assessment to inform policy decisions. HUD should not rush to require AFHs from states or other jurisdictions without first ensuring that the process will produce meaningful results.

Thank you for your consideration of our comments on modifying the deadline for state AFH submission. We look forward to working with HUD to ensure that the state assessment tool reflects the needs of state-level jurisdictions, and that it is a useful and meaningful means for states to assess fair housing. Please contact me if we can provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Garth Rieman", with a long horizontal flourish extending to the right.

Garth Rieman
Director, Housing Advocacy and Strategic Initiatives