

July 19, 2023

Chair Patty Murray
U.S. Senate Appropriations Committee
154 Russell Senate Office Building
Washington, DC 20510

Vice Chair Susan Collins
U.S. Senate Appropriations Committee
413 Dirksen Senate Office Building
Washington, DC 20510

Chair Brian Schatz
U.S. Senate Appropriations Committee
Subcommittee on Transportation, Housing
and Urban Development, and Related
Agencies

Ranking Member Cindy Hyde-Smith
U.S. Senate Appropriations Committee
Subcommittee on Transportation, Housing
and Urban Development, and Related
Agencies

Dear Chair Murray, Vice Chair Collins, Chair Schatz, and Ranking Member Hyde-Smith:

We write to urge you to reject language that would prohibit funding for implementation of the proposed “Affirmatively Furthering Fair Housing” (AFFH) rule¹ in the FY24 appropriations bills for Transportation, Housing and Urban Development Department, and Related Agencies (THUD).

As currently drafted, the House FY24 THUD appropriations bill would prohibit HUD from using appropriated funds to implement, administer, or enforce the proposed AFFH rule. This provision threatens HUD’s ability to effectively meet its responsibilities under the Fair Housing Act and help federal funding recipients meet their existing obligations under federal law to address barriers to fair housing and increase housing opportunity.

As the U.S. Supreme Court recognized in 2015, “Much progress remains to be made in our Nation’s continuing struggle against racial isolation.”² Fifty-five years after passage of the Fair Housing Act, America remains residentially segregated, with opportunity distributed unequally according to race, disability, gender, and other protected characteristics.³ Under 42 U.S.C. § 3608(d) and § 3608(e)(5), Congress charged HUD and other federal agencies with the duty to affirmatively further fair housing, including by ensuring that federal funding for housing, transportation, infrastructure, and economic development advances equity.⁴ Communities that

¹ 88 Fed. Reg. 8516 (Feb. 9, 2023), <https://www.govinfo.gov/content/pkg/FR-2023-02-09/pdf/2023-00625.pdf>.

² *Tex. Dep’t of Hous. Cmty. Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 546-47 (2015).

³ E.g., Justin Steil & Nicholas Kelly, *The Fairest of Them All: Analyzing Affirmatively Furthering Fair Housing Compliance*, 29 Hous. Pol’y Debate 1, 85-105 (2018),

<https://dspace.mit.edu/bitstream/handle/1721.1/126827/Steil%20Kelly%20Fairest%20of%20them%20All%202018%2005%2008.pdf?sequence=2&isAllowed=y>; Heather R. Abraham, *Segregation Autopilot: How the Government Perpetuates Segregation and How to Stop It*, 107 IOWA L. REV. 1963, 1969 (2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4006587.

⁴ 42 U.S.C. § 3608(d), (e)(5).

receive HUD funding have long-standing obligations to affirmatively further fair housing for people of color, people with disabilities, women, and other groups that have struggled to access opportunity and exercise housing choice.⁵

Implementation of the AFFH rule will help ensure that HUD grantees have the guidance, data, and tools necessary to empower communities to shape their own, more cost-effective strategies to affirmatively further fair housing – including future investments in housing, transportation, infrastructure, and economic development that can make any community thrive. The AFFH process will help communities analyze barriers to housing choice and establish their own local goals and priorities to address the fair housing impediments identified in their community and connect people to opportunity. The proposed AFFH rule will also improve coordinated public-private investment in areas of highly concentrated poverty, transforming these neighborhoods into communities of opportunity. Overall, the proposed AFFH rule will ensure that communities leverage existing federal investments to increase access to opportunity, as required by the Fair Housing Act.

Housing justice and racial justice are inextricably linked. Comprehensive implementation and enforcement of the AFFH rule is an important step towards rectifying generations of discriminatory housing policies designed to create segregated neighborhoods.

We urge you to oppose appropriations language that would limit AFFH implementation and enforcement. Please be in touch with Amalea Smirniotopoulos, Senior Policy Counsel, NAACP Legal Defense and Educational Fund, Inc. (ASmirniotopoulos@naacpldf.org) and Jorge Andres Soto, Associate Vice President of Advocacy and Government Affairs, National Fair Housing Alliance (Jsoto@nationalfairhousing.org), if you have any questions or would like additional information.

Thank you for your consideration.

Sincerely,

National Organizations

Center for Responsible Lending
CSH
Disability Rights Education and Defense Fund
Fair Share Housing Center
FICPFM
Forward Justice

⁵ 24 C.F.R. §§ 91.225(a)(1), 91.325(a)(1).

Grounded Solutions Network
Homeownership Alliance
Housing Assistance Council
Human Impact Partners
Human Rights Campaign
Integrated Community Solutions, Inc.
Justice in Aging
Kingdom Litigators, Int'l
Lawyers' Committee for Civil Rights Under Law
NAACP Legal Defense and Educational Fund, Inc. (LDF)
National Association for Latino Community Asset Builders
National Coalition for the Homeless
National Community Reinvestment Coalition (NCRC)
National Community Stabilization Trust
National Consumer Law Center (on behalf of its low-income clients)
National Disability Rights Network (NDRN)
National Fair Housing Alliance
National Housing Law Project
National Housing Resource Center
National Low Income Housing Coalition
National Urban League
National Women's Law Center
NETWORK Lobby for Catholic Social Justice
PolicyLink
Poverty and Race Research Action Council
Prosperity Now
Revolving Door Project
Safer Foundation
SAGE
Shriver Center on Poverty Law
The Arc of the United States
The Daniel Initiative LLC
The Economic Equity Roundtable
The Kelsey
Treatment Communities of America
True Colors United
Unidos US
Vera Institute of Justice
Who Speaks For Me?

State and Local Organizations

Organization	City	State
Fair Housing Center of Northern Alabama	Birmingham	AL
Southwest Fair Housing Council	Tucson	AZ
Asian Americans Advancing Justice Southern California	Los Angeles	CA
Disability Rights California	Los Angeles	CA
Public Counsel	Los Angeles	CA
Western Center on Law & Poverty	Los Angeles	CA
Greater Napa Valley Fair Housing Center	Napa	CA
Rise Economy (formerly California Reinvestment Coalition)	San Francisco	CA
Fair Housing Advocates of Northern California	San Rafael	CA
Connecticut Fair Housing Center	Hartford	CT
HIPS	Washington	DC
Joseph's House	Washington	DC
Fair Housing Center of the Greater Palm Beaches	Lake Worth	FL
Disability Rights Florida	Tallahassee	FL
Savannah-Chatham County Fair Housing Council	Savannah	GA
Southern Center for Human Rights	Atlanta	GA
Illinois Alliance for Reentry & Justice	Chicago	IL
Legal Action Chicago	Chicago	IL
TASC (Treatment Alternatives for Safe Communities)	Chicago	IL
The Network: Advocating Against Domestic Violence	Chicago	IL
Uptown People's Law Center	Chicago	IL
Fair Housing Center of Central Indiana	Indianapolis	IN
Kentucky Equal Justice Center	Lexington	KY
Louisiana Fair Housing Action Center	New Orleans	LA
Voice of the Experienced	New Orleans	LA
Greater Boston Legal Services	Boston	MA
Prisoners' Legal Services of MA	Boston	MA
Massachusetts Law Reform Institute	Boston	MA
Homeless Persons Representation Project	Baltimore	MD
Public Justice Center	Baltimore	MD
Fair Housing Center of West Michigan	Grand Rapids	MI
Our Spring Lake Store, LLC	Spring Lake	MN
MICAH- Metropolitan Interfaith Council on Affordable Housing	St. Paul	MN
Second Chance Alliance/Justice Served NC	Raleigh	NC
High Plains Fair Housing Center	Grand Forks	ND
Everyone for Accessible Community Housing Rolls!	Clinton	NJ
Fair Housing Council of Northern New Jersey	Hackensack	NJ
Beacon Unitarian Universalist Congregation	Summit	NJ
New Jersey Policy Perspective	Trenton	NJ

Long Island Housing Services, Inc.	Bohemia	NY
Breaking the Cycle Drop Corp	Brooklyn	NY
Fair Housing Justice Center	Long Island City	NY
Make the Road New York	New York	NY
New York Legal Assistance Group	New York	NY
The Fortune Society	New York	NY
CNY Fair Housing	Syracuse	NY
Housing Opportunities Made Equal of Greater Cincinnati	Cincinnati	OH
Housing Equality Center of Pennsylvania	Fort Washington	PA
Fair Housing Rights Center in Southeastern Pennsylvania	Philadelphia	PA
Fair Housing Partnership of Greater Pittsburgh	Pittsburgh	PA
Texas Appleseed	Austin	TX
North Texas Fair Housing Center	Dallas	TX
Housing Opportunities Made Equal of Virginia	Richmond	VA
Futurewise	Spokane	WA
Northwest Fair Housing Alliance	Spokane	WA

CC: House Appropriations Committee Chair Kay Granger
House Appropriations Committee Ranking Member Rosa DeLauro
House Appropriations THUD Subcommittee Chair Tom Cole
House Appropriations THUD Subcommittee Ranking Member Mike Quigley