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May 12, 2016

### Re: **VOTE "NO" ON LEE-COTTON AMENDMENT THAT WOULD UNDERMINE THE FAIR HOUSING ACT**

Dear Senator:

Senators Mike Lee (R-UT) and Tom Cotton (R-AR) plan to introduce an amendment to the FY17 THUD/Military Construction-VA appropriations bill which would prohibit HUD from implementing or enforcing its "Affirmatively Furthering Fair Housing" (AFFH) rule (FR-5173-P-01), preventing states and local governments from receiving long-awaited guidance and data that will help them more fairly and effectively invest federal funds in their communities. **For these reasons, the National Low Income Housing Coalition urges you to oppose the amendment when it comes up for a vote during consideration of the bill.**

**The Lee-Cotton amendment flies in the face of our nation's efforts to expand opportunity and fairness for all.** The Fair Housing Act of 1968 not only makes it unlawful for jurisdictions to discriminate. It also requires that they take actions to dismantle historic patterns of segregation, which continue to limit the housing choices and opportunities of people of color, people with disabilities, families with children, and religious groups. To achieve this goal, the Fair Housing Act requires that recipients of federal housing and community development funding "affirmatively further fair housing."

**HUD's AFFH rule implements recommendations made by the GAO.** In 2010 the Government Accountability Office (GAO) noted that the pre-existing system of ensuring jurisdictions affirmatively further fair housing was ineffective and recommended HUD update its process and guidance for implementing the AFFH provision of the Fair Housing Act. HUD's rule follows the GAO's recommendations by providing state and local governments with data on housing, demographics, and other local conditions for state and local policymakers to use in determining the degree of segregation and concentrated poverty, the presence of barriers to equal housing opportunity, and other key considerations in their communities.

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**HUD's regulation provides helpful guidance to cities and counties, making it easier for them to meet existing obligations.** The Fair Housing Act makes it clear that any jurisdiction receiving federal housing and community development funds must demonstrate that it is spending those funds in a ways that help realize fair housing choice. The regulation imposes no new obligations; it simply clarifies how jurisdictions can comply with existing obligations and provides tools to help them live up to the commitment that they have already made.

**HUD's AFFH rule affirms local control in developing and implementing solutions for removing barriers to opportunity.** Once a locality completes an analysis of barriers to fair housing, governments may decide for themselves what issues they and local stakeholders will prioritize to address those barriers. HUD leaves these choices to the discretion of local governments.

**A vote for the Lee-Cotton amendment is a vote against opportunity for all American families. We urge you to reject this harmful and misguided amendment.**

If you have any questions, please contact Elayne Weiss at 202-507-7462.

Sincerely,

A handwritten signature in cursive script that reads "Diane Yentel".

Diane Yentel  
President and CEO  
National Low Income Housing Coalition