



January 8, 2020

www.nanmckay.com

GENERAL NEWS

HUD Releases Prepublication of Proposed AFFH Rule

In a [press release](#) yesterday, the Department of Housing and Urban Development ([HUD](#)) announced that it has released a prepublication copy of its [proposed Affirmatively Furthering Fair Housing \(AFFH\) rule](#), which offers clearer guidance to states and local governments to improve their affordable housing choices.

The regulation proposes:

- Revise the definition of [AFFH](#)
- Develop metrics to compare jurisdictions
- Require jurisdictions to certify that they will comply with AFFH requirements
- Require jurisdictions to report on the progress in their AFFH certification through the regular consolidated plan and review processes
- Tailor AFFH requirements applicable to PHAs while still verifying that they are fulfilling their AFFH obligations

HUD previously published its [final AFFH rule](#) on July 16, 2015 to provide program participants with a revised planning approach to help them meet their legal fair housing obligations. However, the Department now finds the rule to be “ineffective and highly prescriptive,” and that it “effectively discouraged the production of affordable housing.” In January 2018, HUD suspended the obligation of local governments to file plans under the regulation. In addition, in May 2018, HUD withdrew a computer assessment tool that local governments were required to use in preparing those plans, stating that “the tool was confusing, difficult to use, contained errors, and frequently produced unacceptable assessments.”

Comments on the proposed rule are due 60 days after its publication in the *Federal Register*.

SUBSCRIPTION INFORMATION

For help with your PIH Alert subscription, email [Laurie Durrett](#). For questions and comments on content, email [Olga Vélez](#). For access to previous PIH Alerts and newsletters, visit our [archive](#). To view or post job announcements at our website, click [here](#). To view our seminar calendar, click [here](#). To read the NMA blog, click [here](#).

Copyright © 2020 by [Nan McKay and Associates](#)