

To: HJN Members
From: NHLP staff
Re: Commenting Guide for HUD's 2025 Affirmatively Furthering Fair Housing Interim Final Rule
Date: April 22, 2025

On March 3, 2025, the U.S. Department of Housing and Urban Development (HUD) instituted the Affirmatively Furthering Fair Housing (AFFH) Revisions Interim Final Rule (IFR), 90 Fed. Reg. 11,020 (Mar. 3, 2025).¹ This new rule undermines HUD's progress toward fulfilling its statutory obligation to affirmatively further fair housing, and fails to move the country forward in addressing disparities in housing and housing opportunity that are rooted in the United States' history of racial segregation and housing discrimination. The 2025 IFR furthers the Trump Administration's attacks on civil rights, affordable housing, and funding for agencies and organizations that support fair housing education, outreach and enforcement.²

Brief History of HUD's Affirmatively Further Fair Housing Rules³

In 1968, Congress realized that making housing discrimination illegal was insufficient on its own to address entrenched residential segregation across the United States. This led lawmakers to include a duty to affirmatively further fair housing (AFFH) in the Fair Housing Act.⁴ The AFFH obligation requires all federal agencies, including HUD, and their funding recipients to proactively address the legacy of segregation in programs and activities related to housing and community development.⁵

Funding recipients have a statutory obligation to certify that they will affirmatively further fair housing.⁶ In 2015, HUD issued a regulation that created a new fair housing analysis framework, called the Assessment of Fair Housing, for program participants (state and local jurisdictions and public housing authorities) to better comply with the AFFH mandate.⁷ The 2015 rule required these entities to complete a robust analysis of fair housing in their communities in order to receive HUD funds.⁸ However, in August 2020, under the first Trump Administration, HUD rescinded the rule and replaced it with a final rule that removed the

¹ Affirmatively Furthering Fair Housing (AFFH) Revisions Interim Final Rule (IFR), 90 Fed. Reg. 11,020 (Mar. 3, 2025), <https://www.federalregister.gov/documents/2025/03/03/2025-03360/affirmatively-furthering-fair-housing-revisions>.

² See [NFHA 2025 AFFH IFR Comment Letter](#), Appendix A for a list of actions taken by the Trump Administration to roll back civil rights.

³ For a more extensive history, see HUD Housing Programs: Tenants' Rights, 6th ed. (2025), § 13.2.4.2.

⁴ Pub. L. No. 90-284, 82 Stat. 84 (Apr. 11, 1968) (codified at 42 U.S.C. § 3608(e)(5)).

⁵ 42 U.S.C. § 3608(d).

⁶ E.g., 42 U.S.C. § 5304(b)(2) (AFFH certification required for Community Development Block Grant fund recipients); 42 U.S.C. § 1437c-1(d)(16) (AFFH certification required for PHAs).

⁷ Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42,272, 42,357 (July 16, 2015) (formerly codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, and 903).

⁸ Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42,355 (formerly codified at 24 C.F.R. § 5.154).

requirement for any fair housing planning process or document from HUD regulations.⁹ In 2021, HUD issued an IFR, Restoring Affirmatively Furthering Fair Housing Definitions and Certifications.¹⁰ The 2021 IFR provided program participants with a substantive definition of AFFH, reinstated the requirement that program participants affirmatively certify compliance with their AFFH obligation and provided program participants with technical assistance from HUD with making progress on their AFFH obligation.¹¹ HUD introduced a proposed AFFH rule in 2023¹² but did not finalize it before the end of the Biden administration.¹³ To ensure that any future HUD AFFH rule was issued pursuant to a new notice of proposed rulemaking, HUD withdrew the proposed rule.¹⁴

Through its new rule, HUD has rescinded the 2021 IFR and put in place an AFFH rule that:

- Imposes a new definition of AFFH that is inconsistent with the Fair Housing Act and that conflates affordable housing with fair housing;¹⁵
- Permits a bare bones certification of a program participant's compliance with its AFFH obligation and lacks a complaint process for challenging a program participant's AFFH certification;¹⁶
- Removes the requirement that program participants engage in fair housing planning processes or produce a fair housing planning document;¹⁷
- Eliminates the requirement for robust community engagement in identifying fair housing issues;¹⁸

⁹ Preserving Community and Neighborhood Choice, 85 Fed. Reg. 47,899 (Aug. 7, 2020) (formerly codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, and 903).

¹⁰ HUD, Restoring Affirmatively Furthering Fair Housing Definitions and Certifications," 86 Fed. Reg. 30,779 (June 10, 2021).

¹¹ *Id.*

¹² Affirmatively Furthering Fair Housing, 88 Fed. Reg. 8516 (Feb. 9, 2023).

¹³ Jennifer Haberkorn, Democrats Demand Action from Biden on Affordable Housing, POLITICO (May 9, 2024), <https://www.politico.com/news/2024/05/09/democrats-biden-affordable-housing-00157189>; Shelby King, Housing Equity in Limbo—Why Hasn't Biden Finalized an Update to AFFH?, SHELTERFORCE (August 27, 2024), <https://shelterforce.org/2024/08/27/housing-equity-in-limbo-why-hasnt-biden-finalized-an-update-to-affh/>.

¹⁴ Affirmatively Furthering Fair Housing; Withdrawal, 90 Fed. Reg. 4686 (Jan. 16, 2025).

¹⁵ Affirmatively Furthering Fair Housing Revisions, 90 Fed. Reg. 11,020, 11,023 (March 3, 2025) (codified at 24 C.F.R. § 5.150).

¹⁶ Affirmatively Furthering Fair Housing Revisions, 90 Fed. Reg. at 11,023 (codified at 24 C.F.R. § 5.151).

¹⁷ *Cf.* Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42,355 (formerly codified at 24 C.F.R. § 5.154).

¹⁸ *Cf.* Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42,355-42,357 (formerly codified at 24 C.F.R. §§ 5.152, 5.154, 5.156 & 5.158) (community participation definition and requirements).

- Lacks guidance for jurisdictions, program participants or public housing authorities regarding their AFFH obligation and does not require them to examine or address the legacy of housing segregation in communities;¹⁹
- Lacks any mechanism for meaningful monitoring and enforcement actions by HUD of entities that receive federal housing dollars and fail to fulfill their AFFH obligation;²⁰ and
- For Consolidated Plans, eliminates the definition of what constitutes disproportionate housing needs by race and ethnicity and withdraws the requirement that jurisdictions assess to what extent any racial or ethnic group has disproportionately greater need of housing assistance in comparison to the needs of that category as a whole.²¹

In short, this new rule does not meet HUD’s statutory AFFH obligation and is inconsistent with fair housing law. To address the shortcomings of the 2025 IFR, HJN members are encouraged to submit comments to HUD. The deadline for submitting comments is May 2, 2025. Since this is a public rulemaking proceeding, LSC programs can submit comments of their own using non-LSC funds, provide legal support for clients who want to submit comments, or sign on to a comment letter.²² Below are some suggested areas for commenting. However, this is not meant to be an exhaustive list.

Areas for Possible Comment on HUD’s 2025 AFFH IFR

Problem #1: The new rule imposes a new definition of affirmatively furthering fair housing that is inconsistent with the Fair Housing Act statutory, legislative and case law history.

Table 1. Comparison of AFFH Definitions

<u>2021 IFR:</u>	<u>2023 Proposed Rule:</u>	<u>2025 IFR:</u>
Affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict	Affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation, eliminate inequities in housing and related community assets, and foster inclusive communities free from barriers that restrict access to opportunity based	(a) The phrase “fair housing” in 42 U.S.C. 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), and 437c-1(d)(16) means housing that, among other attributes, is affordable, safe, decent, free of

¹⁹ *Cf.* Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42,355 (formerly codified at 24 C.F.R. § 5.154).

²⁰ *Cf.* Affirmatively Furthering Fair Housing, 88 Fed. Reg. at 8575 (compliance procedures).

²¹ Affirmatively Furthering Fair Housing Revisions, 90 Fed. Reg. at 11,021.

²² 45 C.F.R. § 1612.6(e). However, LSC programs cannot engage in grassroots lobbying with regard to the rule, such as telling people to write comments in support of or against the IFR. 45 C.F.R. § 1612.4.

<p>access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development.</p>	<p>on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, reduce or end significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into well-resourced areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws and requirements. The duty to affirmatively further fair housing extends to all of a program participant's activities, services, and programs relating to housing and community development; it extends beyond a program participant's duty to comply with Federal civil rights laws and requires a program participant to take actions, make investments, and achieve outcomes that remedy the segregation, inequities, and discrimination the Fair Housing Act was designed to redress.</p>	<p>unlawful discrimination, and accessible as required under civil rights laws.</p> <p>(b) The phrase “affirmatively further” in 42 U.S.C. 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), and 1437c-1(d)(16) means to take any action rationally related to promoting any attribute or attributes of fair housing as defined in the preceding subsection.</p>
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Explanation: The new rule bifurcates the phrase affirmatively further fair housing into two parts for definitional purposes. The new definitions of “fair housing” and “affirmatively further” eliminate any discussion or analysis acknowledging the continuing role that residential segregation plays within communities across the country. In fact, the word “segregation” does not appear anywhere in the IFR. Pretending that segregation is not a key part of defining what it means to affirmatively further fair housing is wholly inconsistent with the AFFH concept. In *N.A.A.C.P. v. HUD*, the court noted that the Fair Housing Act’s legislative history “suggests an intent that HUD do more than simply not discriminate itself; it reflects the desire to have HUD use its grant programs *to assist in ending discrimination and segregation*, to the point where the supply of genuinely open housing increases.”²³ In order to assist in ending discrimination and segregation, HUD must acknowledge the role that discriminatory policies and practices have historically played, and continue to play, in our nation’s communities.

²³ 817 F.2d 149, 155 (1st Cir. 1987) (emphasis added).

The new definition of fair housing also conflates housing that is free from discrimination with the expansion of affordable housing and/or providing safe, decent housing. The provision of safe and decent housing is the floor with regard to housing being provided in the U.S., yet many jurisdictions and housing providers fail to meet this basic requirement.²⁴ While expansion of affordable housing is an important goal, especially as the U.S. faces a severe affordable housing shortage, increasing the supply of housing does not by itself make housing available to protected classes. The 2025 IFR would also allow program participants to avoid a balanced approach to fair housing that prioritizes both the expansion of affordable housing and homeownership opportunities, and actions that improve existing housing conditions, stabilize existing affordable housing, and help members of protected classes avoid involuntary displacement. This rule would allow program participants to certify their compliance with AFFH while prioritizing the expansion of affordable housing at the expense of addressing ongoing, persistent disparities that impact protected class households already in housing, such as:

- increased exposure to toxic and industrial pollution,²⁵
- lead-based paint, mold or other substandard housing conditions due to a failure to hold owners accountable for poor conditions,²⁶
- the effects of aggressive screening, crime-free programs and nuisance property ordinances,²⁷
- the risk of displacement (due to local eminent domain, condemnation, gentrification, conditions, etc.),²⁸ and

²⁴ HUD PD&R, Worst Case Housing Needs: 2023 Report to Congress, (May 2023), <https://www.huduser.gov/portal/portal/sites/default/files/pdf/Worst-Case-Housing-Needs-2023.pdf>.

²⁵ Diana Kruzman, Chicago Made Its Southeast Side a Polluter's Haven, Violating Civil Rights, GRIST (July 27, 2022), <https://grist.org/cities/chicago-general-iron-scrapyard-investigation/>; Sara Sneath, 'Ticking Time Bombs': Residents Kept In The Dark About Risks To La.'s Chemical Plants During Storms, WWNO (Dec. 7, 2020), <https://www.wwno.org/coastal-desk/2020-12-07/ticking-time-bombs-residents-kept-in-the-dark-about-risks-to-la-s-chemical-plants-during-storms>.

²⁶ Office Of Inspector Gen., U.S. Dep't Of Housing & Urban Dev., Audit Rep. No. 2020-Ch-004, HUD's Oversight Of Lead In The Water Of Housing Choice Voucher And Public Housing Program Units (Aug. 21, 2020); Earthjustice & Shriver Center On Poverty Law, Poisonous Homes: The Fight For Environmental Justice In Federally Assisted Housing (2020), <https://www.povertylaw.org/report/poisonoushomes/>.

²⁷ *U.S. v. City of Hesperia*, No. 5:19-cv-02298 AB, 2022 WL 17968834 (Cal. C.D. 2022); NYCLU & ACLU, More Than A Nuisance: The Outsized Consequences of New York's Nuisance Ordinances 13 (2018), https://www.nyclu.org/sites/default/files/field_documents/nyclu_nuisancereport_20180809.pdf; Joseph Mead et al., Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio, Urb. Publ'n (Nov. 8, 2017), https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=2513&context=urban_facpub.

²⁸ *City of Joliet v. Mid-City Nat'l Bank of Chi.*, No. 05 C 6746, 2008 WL 4344896 (N.D.Ill. Mar.27, 2008); Mick Dumke, A Land Deal Benefiting a Billionaire's Soccer Team Is Muscled Through Despite Objections, PROPUBLICA (Sept. 21, 2022), <https://www.propublica.org/article/chicago-housing-abla-land-deal>.

- evictions.²⁹

Simply building new affordable housing does not ensure access to housing is fair and equitable for members of protected classes. Investments in new affordable housing in well-resourced communities should be balanced with investments that benefit communities with existing supplies of affordable housing, and address disparities in under-resourced communities, such as higher levels of unsafe and hazardous conditions, increased risk of flooding (especially in disaster prone areas), and increased proximity to environmental toxins and heavy industry. New affordable housing must be built in well-resourced communities and affirmatively marketed to protected classes. It must also be designed to meet the needs of all and not exclude members of protected classes based on their immigration status, race, color, ethnicity, sex, sexual orientation, gender identity, marital status, familial status, perceived or actual disability, or religion.

How to personalize your comment:

- Describe your jurisdiction's history of segregation, and how that still manifests today.
- Describe what housing discrimination looks like in your jurisdiction.
- Describe the lack of affordable rental housing and homeownership opportunities in your community for members of protected classes, including the lack of accessible housing for people with disabilities, larger unit sizes for families with children, etc.
- Describe the barriers to accessing homeownership, such as lack of access to banks and credit, predatory lending practices, appraisal bias, etc.
- Describe barriers to preserving affordable housing, building new affordable rental housing and ensuring that existing rental housing is safe, decent and sanitary.

Problem #2: The new rule lacks a fair housing planning process requirement.

Explanation: As part of the AFFH certification, HUD regulations previously required that program participants take actions, such as conducting an analysis of impediments to fair housing choice, taking actions to overcome the identified impediments, and keeping records demonstrating the analysis and the actions taken to address the identified impediments.³⁰ However, the new rule contains no such requirement. At a minimum, HUD should ensure that

²⁹ Between 2007 and 2016, approximately one in five Black adult renters lived in a household that received an eviction filing, compared to 1 in 24 white adult renters. Nick Graetz et al., A comprehensive demographic profile of the US evicted population, Proceedings of the National Academy of Sciences, 120(41) (2023), <https://doi.org/10.1073/pnas.2305860120>. Black women are evicted at the highest rates: approximately 15.9 percent more female than male renters across all races and 36.3 percent more black women than black men are evicted. Peter Hepburn, et al., Racial and Gender Disparities among Evicted Americans, Sociological Science (2023), <https://sociologicalscience.com/articles-v7-27-649/>. Overwhelmingly, families with young children are evicted at the highest rates: The eviction filing rate for adults living with a child was more than double (10.4%) the rate for adults without children. (5%) (Graetz et al. 2023).

³⁰ Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42,355 (formerly codified at 24 C.F.R. § 5.154).

meaningful fair housing analysis, informed by data and community participation, as well as the goal-setting resulting from that analysis, continues. The lack of a fair housing planning requirement will likely lead to program participants failing to examine whether their policies and practices are consistent with the obligation to affirmatively further fair housing.

For example, a 2010 report by the Government Accountability Office (“GAO”) found that Analysis of Impediments – the fair housing planning document that existed prior to the 2015 rule – varied greatly in quality and depth of analysis, with many grantees producing documents that reflected an insufficient commitment to fair housing.³¹ Documents submitted to GAO included, for example, a “four-page description of the community itself, and it did not identify impediments to fair housing,” and “a two-page e-mail that identified one impediment to fair housing choice, and in follow up conversations [sic] an official from this grantee, confirmed that the document constituted its AI.”³² Grantees also failed to consistently update AIs in a timely manner. The 2010 report estimated that 29% of AIs were written in 2004 or earlier, and 11% were written in the 1990s.³³

How to personalize your comment:

- If your organization has participated in the Analysis of Impediments or Assessment of Fair Housing process, describe this experience and outcomes.
- Describe your jurisdiction’s current fair housing planning process, including to what extent it is successful in identifying and addressing fair housing issues and whether it will continue without HUD’s requirement.
- Describe your jurisdiction’s current fair housing planning document and to what extent it addresses fair housing issues and has a plan for addressing them.

Problem #3: The new rule eliminates the requirement for robust community engagement regarding fair housing issues.

Explanation: The Assessment of Fair Housing (AFH) process created by the 2015 AFFH Rule emphasized local public engagement on important fair housing issues such as segregation, disparities in access to opportunity, and disproportionate housing needs. Strong community participation ensures that program participants’ resulting analysis and goals reflect the input of local stakeholders, including residents who are members of protected classes and have direct experience with fair housing challenges. The 2025 IFR does not require communities to consider whether their policies advance housing opportunities for groups that have historically experienced housing discrimination nor the impacts of segregation on housing opportunities for protected classes. Without requiring the input of local residents or public hearings specifically

³¹ See generally U.S. Gov’t Accountability Off., GAO-10-905, Housing and Community Grants: HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans (2010), <https://www.gao.gov/assets/gao-10-905.pdf> [hereinafter GAO Report].

³² GAO Report, at 14-15.

³³ GAO Report, at 10-11.

focused on fair housing, fair housing issues will not receive the individualized attention they deserve.

How to personalize your comment:

- Explain why community engagement is important for your organization.
- Describe any past experience your organization has had with community participation, your organization's past engagement with the planning process, and/or the importance of having community voices in these processes.
- Provide examples of why community views on important issues of fair housing, including persistent residential segregation, significant housing disparities, and pervasive discrimination, must receive due consideration throughout the fair housing planning process.

Problem #4: The new rule lacks guidance for program participants regarding their AFFH obligation.

Explanation: Prior rules provided HUD program participants with much-needed technical assistance, guidance and direction. It is HUD's responsibility to ensure that program participants conduct meaningful fair housing analysis, informed by data and community participation, and set goals based on that analysis. For example, the 2015 version of § 5.150 included the following language under the section describing AFFH's purpose:

...A program participant's strategies and actions must affirmatively further fair housing and may include various activities, such as developing affordable housing, and removing barriers to the development of such housing, in areas of high opportunity; strategically enhancing access to opportunity, including through: Targeted investment in neighborhood revitalization or stabilization; preservation or rehabilitation of existing affordable housing; promoting greater housing choice within or outside of areas of concentrated poverty and greater access to areas of high opportunity; and improving community assets such as quality schools, employment, and transportation.

In addition, the rule ignores the importance of public housing authority (PHA) policies and the critical role that PHAs play in providing housing opportunities to members of protected classes.³⁴ PHA policies and practices impact the ability of PHA program participants to access and maintain housing opportunities – including members of protected classes. Housing authorities set voucher payment standards, evaluate reasonable accommodation requests, adopt admissions preferences, serve limited English proficient individuals and families, and serve survivors of domestic and sexual violence – among many other functions. Such decisions and policies, and how the public housing and the Housing Choice Voucher programs are administered, directly affect participating families, including members of protected classes. Projects involving the demolition, disposition, conversion, or “repositioning” of publicly

³⁴ Picture of Subsidized Households, HUD Off. of Pol'y Dev. & Rsch., <https://www.huduser.gov/portal/datasets/assthsg.html> (last visited April 22, 2025).

supported housing raise serious fair housing concerns, especially where deeply subsidized site-based units are not replaced or the project relies upon vouchers, despite limited success using vouchers in the community and concentration of voucher-holders in highly segregated census tracts.

How to personalize your comment:

- Describe the lack of current fair housing planning or documents in your jurisdiction and the impact on housing opportunities.
- Describe how PHA programs serve residents in your jurisdiction and the demographics of PHA program participants as compared to the jurisdiction's demographics.
- Describe any shortcomings in your jurisdiction or PHA programs³⁵ that has been alleviated by HUD guidance.

Problem #5: The new rule lacks meaningful monitoring and enforcement by HUD.

Explanation: The 2025 AFFH IFR deems AFFH certifications sufficient if they take any action that is “rationally related to promoting fair housing.” As the 2021 IFR recognizes, HUD risks violating its own statutory obligation to affirmatively further fair housing by accepting certifications from its program participants based on its improper definitions of “affirmatively furthering” and “fair housing.” The IFR doesn’t provide for compliance reviews or a procedure for HUD to challenge the validity of AFFH certifications, and it lacks a public complaint process to ensure that program participants are meeting their AFFH obligations. While private fair housing enforcement plays an important role in enforcing the fair housing act³⁶, HUD plays a critical role, especially in enforcing federal civil rights laws for which it has primary or sole jurisdiction.³⁷

How to personalize your comment:

³⁵ For PHAs’ obligations, see NHLP & PRRAC’s, Working with PHAs to Adopt Policies that Affirmatively Further Fair Housing: An Advocacy Guide and Toolkit for Local Advocates (July 2021), <https://www.nhlp.org/wp-content/uploads/AFFH-Guide-for-Advocates.pdf>.

³⁶ In *U.S. ex rel. Anti-Discrimination Center of Metro N.Y., Inc. v. Westchester County*, 495 F.Supp.2d 375, 377–78 (S.D.N.Y. 2007), plaintiffs filed a qui tam action on behalf of the United States under the False Claims Act, alleging that Westchester County falsely certified that it would affirmatively further fair housing as part of its applications for over \$50 million in CDBG funding. The case resulted in a settlement agreement, under which the County was required to take steps to affirmatively further fair housing in Westchester County. Stipulation and Order of Settlement and Dismissal, Westchester, No. 06-cv-2860 (DLC) (S.D.N.Y. Aug. 10, 2009), <https://clearinghouse.net/doc/41562/>.

³⁷ E.g., 42 U.S.C. § 3610; Notice to Public Regarding FHEO Enforcement Authority and Procedures: Violence Against Women Act of 2022 (VAWA), FHEO Notice FHEO-2023-01 (Jan. 20, 2023); City of Berlin, NH (HUD Conciliation Agreement 2015), <https://nhlp.org/files/City-of-Berlin.pdf>; Title VIII Conciliation Agreement between Complainant and New England Family Housing Management Organization, LLC, et al., FHEO Case No. 01-14-0073-8 (May 19, 2014), <https://www.nhlp.org/wp-content/uploads/Title-VIII-Conciliation-Agreement-Between-Complainant-and-New-England-Family-Hous.-Mgmt-Org-May-19-2014.pdf>.

- Describe what fair housing enforcement looks like in your jurisdiction and why enforcement is so important.
- Describe complaints you have filed with HUD or examples of complaints that have triggered HUD's compliance review procedure.
- Describe the harm caused by the lack of a clear, formalized mechanism to inform HUD of a program participant's failure to affirmatively further fair housing in its programs and activities related to housing or community development.
- Describe the challenges with fair housing investigation or enforcement in your jurisdiction and how HUD's investigation and enforcement activities help to ameliorate those challenges.

Additional Commenting Resources

If you have questions about the information contained in this guide or submitting comments, please contact Natalie Maxwell at nmaxwell@nhlp.org. In addition to this guide, there are several other resources that may be helpful to you in drafting your comments:

- [PolicyLink's Understanding the New AFFH Interim Final Rule](#), is a great explainer of the 2025 AFFH IFR that also includes a general commenting guide and a number of links to additional, helpful AFFH resources.
- The National Fair Housing Alliance (NFHA) has drafted a comment for sign on that urges HUD to immediately withdraw the 2025 AFFH IFR and reinstate the 2021 AFFH IFR. You can [sign on to their comment letter here](#). NFHA has also drafted a [shorter version of the comment letter](#) that you can use to create your own comments.
- NHLP & PRRAC's, [Working with PHAs to Adopt Policies that Affirmatively Further Fair Housing: An Advocacy Guide and Toolkit for Local Advocates](#) (July 2021). This guide provides an overview of the AFFH obligation and its application to PHAs and a toolkit that can serve as a starting point for advocates who are reviewing their PHA policies to identify fair housing advocacy opportunities for families served by local PHAs.
- If you are an LSC-funded organization and you have questions about engaging in regulatory advocacy, please contact Hannah Adams, hadams@nhlp.org to obtain a copy of NHLP's memo, Advocacy Tips for Determining What Forms of Advocacy an LSC-Funded Organization Can Engage In.