

August 7, 2015

Regulations Division, Office of General Counsel
Department of Housing & Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-10276
Submitted via www.regulations.gov

RE: Docket No. FR-5173-N-08

To Whom it May Concern:

The below listed organizations appreciate the opportunity to comment on the Affirmatively Furthering Fair Housing Assessment Tool. Our organizations are committed to fair housing and insuring all Americans have access to safe, affordable housing opportunities.

The Assessment Tool will be very beneficial to helping communities affirmatively further fair housing, and will give them guidance in completing their assessment of fair housing (AFH). We also believe it will encourage them to seek input and guidance from interested and involved members of the community – such as property managers, property owners, and affordable housing providers. However, we have some concerns with the specificity provided in the assessment tool.

In several areas in both Options A & B, HUD proposes states to either enact or repeal specific legislative statutes. We do not believe it is appropriate for HUD to lobby or encouraging lobbying of states on their laws. It is up to states to choose how to govern their people and determine their own laws. We believe the guidance related to state law provided in these documents goes well beyond the scope of HUD's authority.

We must also take exception to your characterization of "Source of Income" discrimination. Our organizations agree that all perspective residents who meet building qualifications and can demonstrate ability to pay should have access to housing. However, using "tenant-based rental assistance" as an example of this discrimination ignores the additional contractual obligations that landlords must undertake related to this program. There are many legitimate business reasons to choose NOT to enter into such a contract – such as time delays, additional regulatory oversight, and the possibility of missed rental payments – not from the tenant, but by the government. The choice to not take on those administrative burdens and risk of loss of income does not constitute discrimination on behalf of a landlord, but instead a business decision. This should not be used as an example of discrimination.

Furthermore, we believe both Options should include additional suggestions for states to incentivize housing providers to participate in affordable housing programs. As discussed above, many regulatory burdens exist that deter owners from participating in the program. Making the program more accessible to owners and removing onerous requirements will increase the availability of safe, affordable housing for voucher holders.

We believe that state and local governments along with local experts including housing providers, can most accurately determine the housing needs of their citizens. Thank you for allowing us to comment on this new method of completing the AFH. We look forward for the opportunity for our members to participate in the AFH process and work together to meet the housing needs of their local communities.

Sincerely,

Institute of Real Estate Management
National Affordable Housing Management Association
National Apartment Association
National Leased Housing Association
National Multifamily Housing Council