

November 21, 2014

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th St. SW, Room 10276
Washington, DC 20410-0001
Submitted electronically through www.regulations.gov

Re: Affirmatively Furthering Fair Housing Assessment Tool, Docket No. FR-5173-N-02

To whom it may concern:

These comments are submitted by the Center on Budget and Policy Priorities. The Center is an independent, nonprofit policy institute that conducts research and analysis on a range of federal and state policy issues affecting low- and moderate-income families. The Center's housing work focuses on improving the effectiveness of federal low-income housing programs, and particularly the Housing Choice Voucher (HCV) program. Our recent report, "Creating Opportunity for Children: How Housing Location Can Make a Difference," highlights the importance of HUD issuing a strong final rule on the obligation of HUD grantees to affirmatively further fair housing, with explicit obligations of public housing agencies (PHAs) administering the HCV program and of entitlement jurisdictions regarding the availability of housing for rent by voucher holders belonging to protected classes.¹

Our comments focus on issues related to the HCV program, including project-based vouchers. We recommend the following changes to ensure that PHAs and entitlement jurisdictions will "think regionally" when completing the template and consider particular policies and practices that impact where families use housing vouchers. In addition, we recommend changes to ensure that grantees provide and analyze data on project-based voucher developments when answering questions related to publicly-supported housing locations with project-based assistance.

6. b. Publicly Supported Housing Location and Occupancy

The questions in this section of the Assessment Tool are generally excellent. We recommend the following additions:

- vi. Modify as indicated by the underlined words: "Describe any patterns of HCV usage in particular neighborhoods or areas within the jurisdiction and region, including segregated neighborhoods and R/ECAPs, and identify the predominant race/ethnicity or national origin groups in such neighborhoods. If there are project-based vouchers in use within the

¹ The paper is available at <http://www.cbpp.org/cms/index.cfm?fa=view&id=4211>.

jurisdiction and region, use local data to break down the description by tenant-based and project-based vouchers.

vii. Add at the end an additional question to be answered using local data: “Describe the extent to which tenant-based HCV holders are successful in using their vouchers in neighborhoods zoned to attend schools performing in the top half and top decile in the most recently available school performance rankings.”

viii. Add the underlined words: *To what extent are tenant-based HCV holders successful in using their vouchers in LIHTC developments located outside of RECAPs?*

7. Publicly Supported Housing and Mobility Policies

Subsection (b), labeled “Mobility Policies” in the draft, is very important, but the title is misleading – as it suggests that Housing Choice Voucher programs and Housing Mobility programs are the same thing, which they are not. To avoid confusion, this sub-section should be retitled “Housing Choice Voucher administration and housing mobility programs,” and rephrased as follows, including a new clause (i) that separates admissions issues from issues that affect where voucher holders live. (New words are shown by underlining but deletions are not always shown.)

- i. Describe how HCV policies or practices, including waiting list practices and local preferences (including but not limited to residency preferences) affect the demographics of families issued HCVs in the jurisdiction and region.
- ii. Describe how HCV policies or practices, including payment standards, landlord and apartment listings, search time policies, portability issues between PHAs, and presence or absence of a PHA-administered mobility program (including counseling and/or incentives) impact the types of neighborhoods and communities in the jurisdiction and region that HCV families move to, and the ability of persons using HCVs to live in a broad range of neighborhoods of their choice. (Discuss these issues by race/ethnicity, national origin, age, families with children, household size, and disability status.)
- iii. Is there a housing mobility counseling program and/or related initiatives available to voucher holders in the jurisdiction and region (such as security deposit assistance or car access programs) (other than the PHA’s), central registry, listing of rental housing available to HCV holders, or other program to ensure that voucher holders residents, particularly those living in low-asset/high poverty neighborhoods, become aware of public or private housing opportunities outside their neighborhood, in significantly lower poverty communities, and receive assistance in making moves to such areas? Explain.
- iv. What barriers do persons using HCVs encounter when attempting to ~~utilize mobility and portability features~~ move to low poverty neighborhoods and communities throughout the region?

9. Determinants of Segregation/R/ECAPs related to Publicly Supported Housing Location and Occupancy

To the bullet on “Siting decisions for other publicly supported housing,” add at the end: “including project-based vouchers”

10. Determinants of Segregation/R/ECAPs related to Mobility

The following well known determinants should be added to the list of determinants in this section:

- Discrimination by landlords against families with vouchers
- Fair market rents (FMRs) and payment standards
- Portability between PHAs, including any restrictions on portability moves or difficulties in exercising portability rights, including rescreening of tenants
- Landlord and apartment listings provided by the PHA
- Racial/ethnic discrimination
- Disability discrimination
- Limited availability of moderately-priced rental units in high-opportunity areas

In addition, the 4th bullet in the draft should be modified to read “PHAs’ lack of support for voucher mobility”

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Sard". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Barbara Sard
Vice President for Housing Policy