



November 25, 2014

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0500

RE: Docket #: HUD-2014-0080 Via www.regulations.gov
Docket Name: FR-5173-N-02 Affirmatively Furthering Fair Housing Assessment Tool

Dear Sir or Madam:

In the comments submitted by the Massachusetts Association of Community Development Corporations (MACDC) in September, 2013 on HUD's Proposed Rule on Affirmatively Furthering Fair Housing, we expressed strong support for HUD's effort to strengthen the implementation of the Fair Housing Act so that it more effectively advances the Act's goal of providing all Americans with a fair opportunity to obtain the housing they desire in the community where they wish to live. In these comments on the proposed Assessment Tool, we recognize the importance of the Assessment Tool in supporting local, regional and state jurisdictions in their efforts to affirmatively further fair housing in a meaningful way that gets results.

MACDC, founded in 1982, is an association of mission-driven community development organizations dedicated to working together and with others to create places of opportunity where people of diverse incomes and backgrounds access housing that is affordable, benefit from economic opportunities and fully participate in the civic life of their community. We achieve this by building and sustaining a high performing and adaptive community development sector that is supported by private and public investment and sound public policies.

We believe the Assessment Tool needs additional language to ensure that low income people, especially people in the protected classes, have the full range of housing choices available to them. Former HUD Secretary Shaun Donovan articulated the department's intent to offer a 'both/and' strategy for the Affirmatively Furthering Fair Housing rule, recognizing a balanced approach to both mobility and community improvement and revitalization. The proposed tool does not accomplish that goal.

Further, the tool fails to encourage program participants to fully consider the assets, liabilities, and nuances built into every neighborhood. Each neighborhood has assets and liabilities and the assessment should look at the full range of those assets and deficits,

including existence of faith communities, CBOs providing services, public transit, proximity to jobs, anchor institutions, nonprofit actors, access to charter schools, cultural assets, etc.

As proposed, we are concerned that the Assessment Tool could be misinterpreted to prevent community revitalization efforts by well-established community-based development organizations. We also fear that the Assessment Tool could be misinterpreted to prevent efforts to preserve federally assisted housing that many long-time residents call home and want to continue to call home. MACDC offers four broad recommendations for changes and additions.


1. **Gentrification and displacement:** The fair housing impacts of gentrification and housing redevelopment will be significant in a number of the jurisdictions subject to the AFH process, but the Assessment Tool does not highlight this issue. To ensure gentrification is mitigated as an outcome of the Assessment Tool, there must be measures to sustain or create housing affordability to prevent large patterns of displacement. Furthermore, the Assessment Tool should specify that “displacement” includes both displacement resulting from acquisition and demolition and from increased rents and evictions resulting from gentrification. While developing newly constructed affordable homes in areas of high poverty is critical, the Tool should also encourage balanced development throughout the region. Jurisdictions subject to the AFH requirement need to demonstrate, before any demolition or displacement occurs to make way for new development, that there is funding to redevelop the site on a timely basis, and that there are concrete plans to address displacement of protected classes in way to avoid re-segregation and an adverse disparate impact.
2. **The HOME Program:** The Tool should more consistently and explicitly recognize the impacts of the HOME Investment Partnership Program as a contributor to addressing local housing needs, particularly when addressing publicly supported housing patterns and demographics.
3. **SECTION III: Community Participation Process – The Consultation** section (24 CFR 91.100) should explicitly list the types of entities/individuals that could be consulted, to include existing community development corporations with a mission related either to neighborhood development and/or toward the interests of a protected class. Similarly, community development corporations should be listed as a potential partner in the **Community Participation** (24 CFR91.105) section, in particular section [§105(a)(2)] the “Encouragement of Community Participation.” Finally, MACDC recommends at least two public hearings during the development of the AFH, one of which should be required *prior to official drafting of the AFH*.
4. Program participants should be explicitly asked to consider the work of community development corporations with a mission related either to neighborhood development and/or toward the interests of a protected class, including the disabled. The work of these local organizations is critical to the advancement of the low-income

individuals AFFH is designed to serve, yet the Assessment Tool places very little consideration on their impact.

We hope that HUD will incorporate our suggestions, so that the Assessment Tool can be reflective of a more balanced approach to both mobility and community improvement and revitalization.

If you have any questions or need additional information, feel free to contact me at 617-379-5922, or at joek@macdc.org. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Kriesberg". The signature is stylized and cursive, with the first name "Joe" and the last name "Kriesberg" clearly visible.

Joe Kriesberg, President and CEO