



# Oregon

Governor Kate Brown

## Housing and Community Services

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March 16, 2020

The Honorable Benjamin S. Carson, Sr., M.D.  
Secretary of the Department of Housing and Urban Development  
451 7th Street S.W.  
Washington, DC 20410

RE: Opposition to Affirmatively Furthering Fair Housing Proposed Rule Change

Dear Secretary Carson,

On behalf of Oregon Housing and Community Services (OHCS), I write to comment on the proposed changes to affirmatively further fair housing (AFFH) requirements, currently being considered by your department. Here at OHCS, our vision is that Oregonians have the opportunity to pursue prosperity and live free from poverty. We provide resources for Oregonians to reduce poverty and increase access to stable housing. This proposed rule change threatens to undermine the good work underway to undo the devastating impacts of historical and current housing discrimination.

Housing has long been one place where injustice, oppression and discrimination have had the most impact. Housing choice and location have been used as a tool for governments, banks, and neighborhoods to discriminate against communities of color. In attempting to rent, buy, obtain a mortgage, or secure home insurance protected classes have been denied, harassed, given less favorable terms and conditions, or experienced a lower level of service than other groups.

Today, protected classes continue to face discrimination in our economy and in our housing markets. OHCS is committed to ensuring each and every Oregonian has access to housing and homeownership. We know equity and racial justice must be at the core of this work; equity and racial justice are identified as both a guiding principal and a priority in Oregon's Statewide Housing Plan. This rule change takes wind out of the sails of efforts to further this work in communities large and small.

The proposed AFFH rule change removes the Assessment of Fair Housing and replaces it with an "AFFH certification" that includes less robust requirements. Jurisdictions are only required to advance three "obstacles" identified in the proposed rule, many of which do not achieve the goals of increasing access to protected classes or are not actually discriminatory obstacles to accessing housing. These requirements conflate housing supply issues with issues of discrimination. While both are important, a strategic approach is necessary to AFFH.

Aside from the insufficient certification suggested by this purposed rule, the proposed HUD evaluation does not fully evaluate disproportionate housing outcomes. The factors listed in the

draft bill are vital to the housing stability of Oregonians, but they do not measure disproportionate housing outcomes. While housing cost burden disproportionately impacts communities of color, merely measuring cost burden throughout a jurisdiction will not demonstrate inequity. Additionally, “the existence of excess housing choice vouchers” could be due to inadequate fair market rent levels. We often hear from our partners that finding homes for rent that are within that limit and meet the robust standards for voucher eligible properties can be extremely difficult, especially in areas that have seen dramatic rent increases. Jurisdictions should be held accountable for concrete elements of AFFH. The measures proposed do not meet this goal.

While OHCS agrees with our industry partners that existing AFFH requirements were burdensome, this approach swings the pendulum too far. Instead of removing requirements, HUD should provide technical assistance and support to those jurisdictions that lack capacity to comply. This issue is far too important. I urge you to reconsider this proposed rule and work with jurisdictions to provide support for complying with existing standards.

Sincerely,

Margaret Salazar  
Executive Director, Oregon Housing and Community Services

cc: U.S. Senator Ron Wyden  
U.S. Senator Jeff Merkley  
U.S. Congresswoman Suzanne Bonamici  
U.S. Congressman Earl Blumenauer  
U.S. Congressman Peter DeFazio  
U.S. Congressman Greg Walden  
U.S. Congressman Kurt Schrader