

United States House of Representatives  
Committee on Financial Services  
Washington, D.C. 20515

May 8, 2014

The Honorable Shaun Donovan  
Secretary  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> Street, SW  
Washington, D.C. 20410

Dear Secretary Donovan:

As you know, I am a strong supporter of Title VIII of the Civil Rights Act of 1968, The Fair Housing Act (FHA), and its dual goals to: (1) prohibit housing discrimination on the basis of certain protected classes of people; and, (2) require HUD's program participants to take steps in actively overcoming historic patterns of segregation and to promote fair housing choice by affirmatively furthering fair housing. The FHA helps to ensure that all people have equal access to housing opportunities. We must work together to ensure that families in all communities have equal access to the vital community resources that help children, individuals, and families thrive.

HUD's recently proposed Affirmatively Furthering Fair Housing (AFFH) Rule will undoubtedly improve communities' obligation to affirmatively further fair housing. I applaud the Department on the issuance of this proposed rule in an effort to provide stronger guidance to grantees regarding their obligation to affirmatively further fair housing. I recently joined several of my colleagues in sending you a letter dated May 8, 2014, expressing support for the swift enactment of a final rule. As an addendum to the sentiments in that letter, I would like to stipulate a serious concern that I have with the proposed rule as it is currently written. In particular, I am concerned that language used throughout the proposed rule can be interpreted to mean that investing in high-poverty, high-minority neighborhoods is inconsistent with the AFFH mandate. I urge you to pay close attention to this issue as you draft the AFFH final rule.

**The AFFH Final Rule must clearly state that continued investment in high-poverty, high-minority neighborhoods is affirmatively furthering fair housing.** Language used throughout the proposed rule frequently refers to reducing or ending racially and ethnically concentrated neighborhoods of poverty. This could be implied to mean that the use of federal funds to invest in high-poverty, high-minority neighborhoods, including participation in various place-based initiatives, would be inconsistent with a grantee's obligation to affirmatively further fair housing.

I do not believe that it is the intent of the FHA to preclude housing providers from continuing efforts to revitalize high-poverty, high-minority neighborhoods where federal investment is needed most. It is essential that the final rule recognize that affirmatively furthering fair housing has to, in addition to its efforts to reduce racially and ethnically segregated neighborhoods, also include devoting resources to improve high-poverty, high-

The Honorable Shaun Donovan

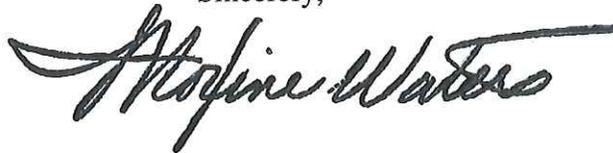
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minority communities by preserving and improving affordable housing. This notion must clearly be reinforced throughout the final rule, including in the definitions of “affirmatively furthering fair housing” and “fair housing choice,” the statement of purpose, and in the Consolidated and PHA Plans in defining how a housing provider is affirmatively furthering fair housing.

Thank you for your consideration and your commitment to the FHA. I look forward to working with you to strengthen our nation’s efforts in prohibiting housing discrimination and in creating and promoting strong communities of opportunity and equality. If you have any questions regarding this letter, please contact Theresa Dumais at 202-225-4247 or [theresa.dumais@mail.house.gov](mailto:theresa.dumais@mail.house.gov).

Sincerely,

A handwritten signature in black ink that reads "Maxine Waters". The signature is written in a cursive, flowing style with a prominent flourish at the end.

MAXINE WATERS

Ranking Member