



August 7, 2020

GENERAL NEWS

Rule Terminating AFFH Published in *Federal Register*

On July 24 the Department of Housing and Urban Development ([HUD](#)) announced in a [press release](#) that it will ultimately terminate the Affirmatively Furthering Fair Housing ([AFFH](#)) regulation issued in 2015, releasing a [pre-publication copy](#) of a new final rule, Preserving Community and Neighborhood Choice, the same day. Today in the *Federal Register*, HUD has officially published the [new final rule](#), scrapping the previous AFFH regulations and replacing them with a different interpretation of what it means to affirmatively further fair housing. Under the new rule:

- *Fair housing* means housing that, among other attributes, is affordable, safe, decent, free of unlawful discrimination, and accessible as required under civil rights laws.
- *Affirmatively further* means to take any action rationally related to promoting any attribute or attributes of fair housing as defined above.
- Rather than completing an Analysis of Impediments (AI) or an Assessment of Fair Housing (AFH), a PHA's certification that it will affirmatively further fair housing is sufficient if the PHA takes, in the relevant period, any action that is rationally related to promoting one or more attributes of fair housing as defined above.

Several prominent leading civil rights and housing organizations have come out in opposition to HUD's decision, as the National Low-Income Housing Coalition ([NLIHC](#)) and the National Fair Housing Alliance ([NFHA](#)) have [pointed out](#).

HUD to Resume Physical Inspections

In a [press release](#) today and on the Real Estate Assessment Center ([REAC](#)) webpage, HUD announced that it will resume physical inspections of HUD Multifamily and public housing properties using safety protocols as the COVID-19 pandemic continues. As you know, REAC inspections were paused in March 2020 due to the outbreak. According to the press release, REAC will prioritize inspections in states and localities based on the latest COVID-19 data from Johns Hopkins University and health risk scoring methodology from the Harvard Global Health Institute. REAC has developed a "heat map" that categorizes states and localities based on their risk categories, as can be seen on the [REAC webpage](#).

REAC plans to provide a listing on its website of low-risk counties 45 days prior to the start of physical inspections. At the end of the 45-day period, REAC will provide a 14-day notification to priority properties in that county to inform families that an inspection will take place. The first outreach from inspectors to properties will start no earlier than September 21, 2020. Inspectors will prioritize properties with historically low REAC scores (high-risk properties) in low-risk localities. The locations will change over time, and HUD intends to adjust its inspection plans as needed.



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Nan McKay & Associates 1810 Gillespie Way Suite 202 El Cajon CA 92020 United States

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