

Congress of the United States
Washington, DC 20515

May 2, 2024

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden:

As Chairs of the Congressional Asian Pacific American Caucus, the Congressional Black Caucus, and the Congressional Hispanic Caucus we write to respectfully urge the White House follow through its commitment to advancing racial equity through our federal government¹ by expeditiously releasing the final “Affirmatively Furthering Fair Housing” (AFFH) rule proposed by the U.S. Department of Housing and Urban Development (HUD) more than a year ago.²

Urgent action is needed to implement comprehensive and equitable housing policies to address these systemic injustices and ensure fair access to housing for all communities, regardless of race or ethnicity. Creating an equitable society not only aligns with moral imperatives but also makes sound economic and business sense. On March 20, 2024, Nikitra Bailey, Executive Vice President of National Fair Housing Alliance (NHFA), testified before Congress³, highlighting the enduring nature of housing discrimination and its disproportionate impact on marginalized communities. Bailey underscored the historical legacy of discriminatory laws and policies that have perpetuated a dual housing market, favoring White households while marginalizing Black, Latino, Asian American, Native Hawaiian, and Pacific Islander (AANHPI), and Native American households. Shockingly, from 1934 to 1962, over \$120 billion in federally backed mortgages overwhelmingly benefited White Americans, with only two percent allocated to Black, Latino, AANHPI, and Native American individuals. Discriminatory practices within programs like the GI Bill loan programs further exacerbated housing disparities, evidenced by the low number of VA-insured mortgages granted to Black servicemembers. Today, these historical injustices persist, reflected in glaring disparities in homeownership rates, with White homeownership rates significantly higher than those of Black, Latino, and AANHPI

¹ *See generally* Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Exec. Order No. 13985, 86 Fed. Reg. 7009 (Jan. 20, 2021). *See also* Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Exec. Order No. 14091, 88 Fed. Reg. 10825 (Feb. 16, 2023).

² Affirmatively Furthering Fair Housing, 88 Fed. Reg. 8516 (Feb. 9, 2023) (explaining that “[t]his rule proposes to retain much of the 2015 AFFH Rule’s core planning process, with certain improvements such as a more robust community engagement requirement, a streamlined required analysis, greater transparency, and an increased emphasis on goal setting and measuring progress. It also includes mechanisms to hold program participants accountable for achieving positive fair housing outcomes and complying with their obligation to affirmatively further fair housing, modeled after those processes under other Federal civil rights statutes that apply to recipients of Federal financial assistance.”).

³ www.congress.gov/118/meeting/house/116995/witnesses/HHRG-118-BA04-Wstate-BaileyN-20240320.pdf

communities. These disparities translate into staggering figures, particularly among Latino and AANHPI renters and homeowners living at or below 200% of the Federal Poverty Line, who face severe housing cost burdens.

The AFFH rule is an essential tool in making sure that all people—regardless of race, gender identity, ethnicity, family status, disability, or religion— have a range of choices about where to live, and that all neighborhoods are good places to live, regardless of who lives in the community. It will help address the nation’s fair and affordable housing crisis by ensuring that all federal funding for housing and community development are used in a manner that expands opportunity and creates communities where we all can thrive. Research⁴ indicates that closing the Black/White wage gap 20 years ago would have added about \$2.7 trillion in income available for consumer consumption or investment. Moreover, closing the wage, education, housing, and credit gaps between Blacks and Whites alone would add \$5 trillion of additional Gross Domestic Product to the U.S. economy over a 5-year period. By dismantling barriers to equitable housing, we not only foster social justice but also unleash the full economic potential of our nation for the benefit of every individual and community.

Where you live determines your access to education, transportation, health care, jobs, and other opportunities. Unfortunately, America is still struggling to overcome the legacy and present reality of housing discrimination, which often segregates people of color, people with disabilities, and women in neighborhoods of concentrated poverty. Strong and effective fair housing laws are essential for building prosperity and growing the American economy. Discrimination and inequality are drains on our economy. They distort markets, restrict resources, set up unbalanced consumer demand, contribute to inflation, and drive-up costs. By eliminating bias from our markets, we can ensure that they function fairly, and we all share in our nation’s collective economic growth. As America confronts a litany of housing challenges—from skyrocketing rents to increased homelessness to barriers that prevent the dream of homeownership from becoming a reality—it is more important than ever that we create communities of opportunity that are accessible to all.

HUD’s proposed 2023 AFFH rule⁵ answers the Administration’s call⁶ to create a fair housing market. This rule can ensure that cities, counties, public housing agencies, regions, and states proactively pursue housing and other policies that connect all residents to the resources they need to succeed. It does so by providing local leaders with the tools and incentives they need to set ambitious goals to address fair housing issues in consultation with the communities they serve.

⁴ <https://nationalfairhousing.org/wp-content/uploads/2023/03/2023-AFFH-Top-Line-Messaging-Points-FINAL.pdf>

⁵ Press Release, U.S. Dep’t of Housing and Urban Development, HUD Announces New Proposed ‘Affirmatively Furthering Fair Housing’ Rule, Taking a Major Step Towards Rooting Out Longstanding Inequities in Housing and Fostering Inclusive Communities, HUD No. 23-013 (Jan. 19, 2023), https://www.hud.gov/press/press_releases_media_advisories/HUD_No_23_013 (stating, in relevant part, “this proposed rule meets President Biden’s call in his first days in office to fully enforce the Fair Housing Act, outlined in Memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies.”).

⁶ Memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies, 86 Fed. Reg. 7487 (Feb. 26, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-redressing-our-nations-and-the-federal-governments-history-of-discriminatory-housing-practices-and-policies/>.

Moreover, this rule establishes substantial and much-needed opportunities for transparency, oversight, and accountability.⁷

Failure to release the rule could also undermine the Biden-Harris Administration’s goals of ensuring recent federal infrastructure funding initiatives fairly reach all communities and threaten to exacerbate existing racial wealth gaps as jurisdictions and Non-Governmental Organizations (NGOs) will lack the guidance needed in administering infrastructure funds in the Bipartisan Infrastructure Law, Inflation Reduction Act, and the CHIPS and Science Act.

More than 55 years after the Fair Housing Act became law, we still have not fully implemented its requirement to combat discrimination and affirmatively further fair housing. We urge the White House not to wait any longer and immediately release the AFFH rule so that our country can take critical and substantial steps in fulfilling our country’s promise of fair housing access and opportunities for all.

Sincerely,



Judy Chu
Chair
Congressional Asian
Pacific American Caucus



Steven Horsford
Chair
Congressional Black
Caucus



Nanette Diaz Barragán
Chair
Congressional
Hispanic Caucus

⁷ See Affirmatively Furthering Fair Housing, *supra* note 2 (explaining that “[t]his rule proposes to retain much of the 2015 AFFH Rule’s core planning process, with certain improvements such as a more robust community engagement requirement, a streamlined required analysis, greater transparency, and an increased emphasis on goal setting and measuring progress. It also includes mechanisms to hold program participants accountable for achieving positive fair housing outcomes and complying with their obligation to affirmatively further fair housing, modeled after those processes under other Federal civil rights statutes that apply to recipients of Federal financial assistance.