

United States House of Representatives
Committee on Financial Services
2129 Rayburn House Office Building
Washington, D.C. 20515

April 25, 2024

The Honorable Joseph R. Biden
President
The White House
1600 Pennsylvania Avenue
Washington DC 20230

Dear President Biden,

This month, we commemorate National Fair Housing Month and 56 years since the passage of the Fair Housing Act of 1968 (FHAct), which included the affirmatively furthering fair housing (AFFH) provision that requires the federal government and recipients of federal funding to proactively undo patterns of segregation, exclusion, and inequity in housing and community development. While I commend early executive actions on fair housing and racial equity under your Administration,¹ I am deeply concerned that the long-awaited final rule to implement AFFH has yet to be released. In accordance with my 2020 request to you as then-President Elect, I ask for the immediate release of the Department of Housing Urban Development's (HUD) final AFFH rule to make good on the Democratic commitment to fair housing for all.²

AFFH has gone largely unenforced since the passage of the FHAct.³ The Obama Administration sought to turn that tide in 2015 by finalizing a historic rule.⁴ Unfortunately, the timing of the implementation of the 2015 rule was left to the Trump Administration, which later overturned the final rule, a decision that was widely criticized and litigated by civil rights and affordable housing advocates.⁵ It is critical to avoid similar threats to HUD's final AFFH rule by publishing and implementing the regulation as soon as possible.

Millions of people across the country, including communities of color, families with children, people with disabilities, and other protected classes, continue to face discrimination and targeted disinvestment in housing and community development.⁶ Since 2020, HUD and local fair housing organizations have received record-breaking levels of reported housing discrimination complaints each year, including over 33,000 in 2022 alone.⁷ Other barriers, such as redlining and exclusionary zoning and land use ordinances, continue to lock members of protected classes out of housing opportunities.⁸ Many communities across the country are also more segregated today than they were in 1990, which further entrenches poverty and wealth and homeownership gaps across racial

¹ U.S. House Financial Services Committee (FSC), [Ranking Member Waters Commends Biden Administration for Reinstating Critical Fair Housing Rule to Root out Systemic Housing Discrimination](#) (Mar. 23, 2023).

² FSC, [Waters Provides Recommendations to President-Elect Biden on Trump Actions to Revers](#) (Dec. 4, 2020).

³ GAO, [HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans](#) (Sep. 14, 2010).

⁴ U.S. Department of Housing and Urban Development, [Affirmatively Furthering Fair Housing](#), 80 FR 42271 (Jul. 2015) (final rule).

⁵ FSC, [Waters, Nadler and Clay Slam Trump Administration Decision to Terminate Affirmatively Furthering Fair Housing Rule](#) (Jul. 27, 2020); See also National Fair Housing Alliance, [Civil Rights Groups Sur HUD over Suspended Implementation of Affirmatively Furthering Fair Housing Rule](#) (May 8, 2018).

⁶ Zillow Research, [The Zillow Housing Aspirations Report](#) (2018); See also National Fair Housing Alliance, [Fair Housing Trends Report](#) (2023).

⁷ National Fair Housing Alliance, [Fair Housing Trends Report](#) (2023).

⁸ FSC, [Zoned Out: Examining the Impact of Exclusionary Zoning on People, Resources, and Opportunity](#) (Oct. 15, 2021).

and ethnic lines.⁹ We have also seen some local governments continue to distribute federal funds in discriminatory ways that violate the FHAct and AFFH requirements.¹⁰

As we work to address our nation's worsening affordable housing and homelessness crisis, we must recognize that ongoing housing discrimination, inequitable community development, and a lack of robust enforcement of the FHAct exacerbate that crisis. Time is of the essence. I urge you to act quickly to release the final AFFH rule and I thank you for your attention to this critical issue.

Sincerely,



Maxine Waters
Ranking Member
Committee on Financial Services

CC: The Honorable Patrick McHenry, Chair, U.S. House Committee on Financial Services
The Honorable Adrienne Todman, Acting Secretary, U.S. Department of Housing and Urban Development

⁹ University of Berkeley Othering & Belonging Institute, [The Roots of Structural Racism Project: Twenty-First Century Racial Residential Segregation in the United States](#) (Jun. 30, 2021).

¹⁰ HUD, [Letter Finding Noncompliance with Title VI and Section 109](#) (Mar. 4, 2022); See also HUD, [HUD Negotiates Agreement With The City Of Chicago And Community Groups To Advance Environmental Justice](#) (May 12, 2023).