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Regulations Division
Office of the General Counsel
Rules Docket Clerk
U.S. Department of Housing & Urban Development
451 Seventh Street SW, Room 10276
Washington, DC 20410-0500

RE: Comments on Proposed HUD Rule on Affirmatively Furthering Fair Housing
24 CFR Parts 5, 91, 92 et al.
Docket No. FR-5173-P-01; RIN 2501-AD33; Published July 19, 2013

The Saint Paul Public Housing Agency (PHA) submits the following comments regarding the Department's Proposed Rule on Affirmatively Furthering Fair Housing. We also join in the comments from the Public Housing Authorities Directors Association (PHADA). The PHA, like PHADA, strongly supports fair housing principles and activities. However, we believe the proposed rule raises many legitimate issues which should be left open for further analysis and comment for an extended period of time.

The Saint Paul Public Housing Agency is an independent governmental agency that owns and manages over 4,200 public housing dwelling units and administers over 4,500 Section 8 Housing Choice Vouchers in the City of Saint Paul, Minnesota. The PHA has been rated a "High Performer" agency every year under PHAS and PHMAP.

We offer the following comments:

1. The entire rule should be delayed until after the Supreme Court rules on the Mount Holly "disparate impact" case before it. The case has not been scheduled for oral argument. If the Supreme Court does decide the case, it would issue its opinion by June 2014.
2. HUD should not require every local grantee jurisdiction to perform its own Assessment of Fair Housing (AFH). The AFH could be performed state-wide or regionally, with the option for a local jurisdiction to supplement it or substitute its own analysis.

The proposed rule would impose significant administrative burdens on local housing authorities and jurisdictions that receive HOME and CDBG funds. More importantly, fair housing and civil rights planning and enforcement should not stop at artificial political boundaries. Simply put, because there are so many separate grantees, having so many separate AFHs could result in confusing, inconsistent, and overlapping goals. For



example, the Twin Cities metropolitan area has over 3 million people residing in over 110 separate municipalities and other political jurisdictions. Requiring each to perform its own AFH is akin to allowing each municipality to print its own currency. Federal fair housing laws prevent mischief and/or inconsistent application of federal laws at state and local levels.

3. A PHA that performs its own AFH should not be required to update it annually as part of its Annual PHA Plan process. Other jurisdictions, and PHAs that use the AFH prepared by their local jurisdiction, would only be required to update their AFH every 5 years. The same time period should apply to PHAs that do their own AFH.

The current Agency Plan process is sufficiently time-consuming that adding an annual AFH update would extend and complicate it unnecessarily, with little or no “added value” to the community.

We agree that HUD should provide additional guidance on “Affirmatively Furthering Fair Housing”. However, the proposed rule raises more questions than it answers. It may trigger unintended consequences that could undermine current practices that do promote fair housing. PHADA’s analysis explains many of these potential unintended consequences.

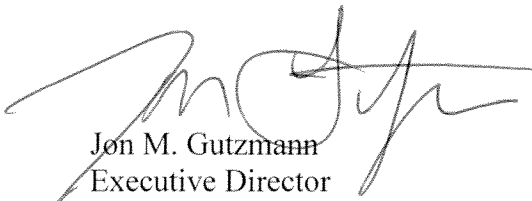
HUD also requested comments on several issues, including the following:

15. What length of time (such as 12, 18, or 24 months) is needed for PHAs to revise their PHA Plans to address AFH recommendations?

PHA Comment:

We suggest that at least 18-24 months be allowed, given the current extended schedule PHAs are required to follow to update and submit the Annual Plan. The St. Paul PHA typically begins working on the next year’s Plan, including scheduling meetings with our Resident Advisory Board, when we are only 4-5 months into the current fiscal year. A year’s lead time before that would be desirable, to adequately address any AFH recommendations that could significantly impact PHA operations.

Thank you for the opportunity to submit these comments.



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Executive Director



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