September 28, 2018

Mr. Paul Compton
Regulations Division
Office of General Counsel
U.S. Department of Housing and Urban Development
451 7th Street, S.W., Room 10276
Washington, D.C. 20410


Dear Mr. Compton:

On behalf of the Los Angeles Continuum of Care (LA CoC), the Los Angeles Homeless Services Authority (LAHSA) submits our response to the request for comments regarding Affirmatively Furthering Fair Housing: Streamlining and Enhancements as issued in the August 16, 2018 Federal Register (Docket No. FR-6123-A-01).

LAHSA is a joint-powers authority of the City and County of Los Angeles and serves as the lead agency in the LA CoC. LAHSA is responsible for funding a significant portion of the interim housing, permanent housing, and supportive services for individuals and families experiencing homelessness in Los Angeles County.

LAHSA’s mission is to combat homelessness and ensure everyone in the LA CoC has access to safe and stable housing; as such, we believe that Affirmatively Furthering Fair Housing (AFFH) is an essential part of good housing policy. AFFH’s current requirements for an analysis of impediments to fair housing choice and use of objective data to do so should be revised and improved rather than scaled back or removed. LAHSA believes that objective and consistent data must be used to understand the link between homelessness and segregation. AFFH was implemented three years ago; racial segregation in the United States has been present as a feature of housing policy for over a century – three years is not enough time to determine the effectiveness of a tool designed to impel jurisdictions to identify barriers to housing access and seek policy changes to remove those barriers.

American cities remain segregated despite the enactment of the Fair Housing Act fifty years ago. This can partly be attributed to inconsistent enforcement of fair housing policies, which has coincided with housing discrimination’s persistence. To date, a small number of Black and Latinx Americans have had opportunity to move into more opportunity-rich neighborhoods. One of the common indicators of this is the percentage of Black people in a city that would have to move to achieve the same spatial distribution as whites present in that city. A survey of 2010-2014 American Community Survey data found that in the 52 largest Metropolitan areas, these figures ranged from 50 to 70,

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meaning that the vast majority of Black and African American residents would have to move to achieve a similar spatial distribution as whites but instead remain in highly segregated neighborhoods.²

Racial segregation is correlated with negative outcomes for minority populations living in segregated neighborhoods; some of these negative associations can increase a person’s vulnerability to falling into homelessness. For example, segregation is associated with health disparities such as higher rates of lead poisoning,³ greater exposure to pollution, and less access to medical care, which increases vulnerability.⁴ Nationwide, segregation is associated with achievement gaps in education,⁵ which is also associated with greater vulnerability.

Segregation is associated with lower homeownership, lower wealth accumulation, and higher rents. One study of neighborhoods nationwide found that while neighborhoods with concentrated minority populations have a median income that is 28% below the metrowide median, their rent is only 12% below the metrowide median, suggesting that people that live in segregated neighborhoods are more likely to have high housing cost burdens.⁶ Both higher housing cost burdens and lower wealth accumulation leave residents more vulnerable to the economic shocks such as job loss, an unexpected car accident, or large increases in rent that are often cited as reasons for falling into homelessness. Lastly, incarceration disproportionately impacts segregated communities of color through over-policing and harsh punishment for nonviolent offenders,⁷ leading to greater rates of incarceration for minority populations. There are strong links between incarceration and homelessness: over 60% of unsheltered people in the 2017 Greater Los Angeles Homeless Count reported that they had involvement with the criminal justice system at some point.

A potential result of the negative effects of living in segregated and high-poverty neighborhoods is that homelessness occurs at a much higher rate for minority populations in Los Angeles. LAHSA’s 2018 Homeless Count revealed that Black and African-American individuals accounted for 36% of the homeless population despite being only 9% of the general population.⁸ Nationally, these disparities exist as well—Black and African-American youth have an 83% higher risk of experiencing homelessness than other youth, while Latinx youth have a 33% higher risk.⁹ This issue is not subsiding either: According to LAHSA’s 2018 Homeless Count, 43% of newly homeless individuals in the LA CoC were Black or African American. Further, 46% of those newly homeless individuals report economic factors as the main driver of entry into homelessness, citing evictions, rising rents, unemployment, and foreclosures as the primary causes.

Both in Los Angeles and nationwide, policies like AFFH help us understand the link between housing, segregation, and subsequent homelessness. Fair housing laws have a potential effect on the future of

homelessness as housing costs continue to rise, resulting in disproportionate displacement of vulnerable populations. Discriminating on the basis of race, sexual orientation, or system-involvement only serves to further this disproportionate displacement, which can eventually drive people into homelessness. Without objective, standardized, and consistent data and analysis of impediments, we will inevitably fail to address racial and spatial inequality, leaving historically marginalized communities more susceptible to homelessness.

LAHSA believes that continued implementation of the AFFH rule is critical in compelling jurisdictions to use clear and consistent data to assess present conditions. In addition, continued implementation of AFFH is critical in compelling jurisdictions to begin to develop policy solutions and action plans that may prevent vulnerable populations from facing homelessness at disproportionate rates. While HUD notes that AFFH has been ineffective in its intent to further fair housing, LAHSA believes that it is too early to make this determination and more time is needed to make a fair assessment. When implementing a new tool across jurisdictions, change happens gradually and unevenly as program participants become acquainted with new processes, build their internal capacity, and go through iterations of practice. LAHSA also opposes the withdrawal of the tool for the assessment tool, which has also been deemed “ineffective.” It is important to have consistency within data to make consistent policymaking decisions and having a standard assessment tool will assist with making policy choices moving forward. As an alternative to its removal, HUD should consider revisions to the data tools and provide more technical assistance to local jurisdictions.

In regard to regulatory reform efforts, LAHSA understands that jurisdictions need flexibility and a certain amount of autonomy, but LAHSA also believes that consistent standards should be set by HUD in order to ensure that all jurisdictions are taking steps to ensure access to housing. LAHSA appreciates that HUD asks for, considers public comment, and encourages jurisdictions to voice their concerns and opinions. In response, however, HUD should find ways to support local jurisdictions in completing fair housing assessments rather than significantly loosening restrictions.

In response to HUD’s questions regarding what type of community participation and consultation program participants should undertake, LAHSA recommends community participation that is not only broad and easily accessible, but inclusive of the most impacted. For example, LAHSA regularly convenes Ad Hoc Committees on vulnerable populations. The most recent of which is LAHSA’s Ad Hoc Committee on Black People Experiencing Homelessness, which uses a racial equity lens to address the disproportionately high number of Black and African American people who are homeless in Los Angeles. The committee examines the factors that contribute to this overrepresentation and is developing a set of policy recommendations to more effectively meet the needs of Black and African American people experiencing homelessness while identifying opportunities to increase racial equity within the homeless service delivery system.

As part of the Committee, “listening sessions” were held throughout the LA CoC in which members of the community voiced their opinions and shared their experiences. LAHSA also has a Lived Experience Advisory Board (LEAB) and Homeless Youth Forum of Los Angeles (HYFLA) for people with current or former lived experience of homelessness, which provides a needed perspective on the work LASHA and its community partners do throughout the LA CoC. The group is diverse in respect to age, race, ethnicity, gender identity, sexual orientation, and includes a range of experiences, from survivors of domestic violence to veterans. It is imperative for jurisdictions to create these spaces for the most impacted to share their experiences, and to the extent that the AFFH can allow this, it should.
In response to HUD’s questions about data—LAHSA does not believe that the AFFH rule should allow local jurisdictions to develop or use data of their choice. HUD should absolutely consider adjustments and revisions based on data issues that program participants encounter and alter accordingly. Potential improvements include making sure jurisdictions are equipped with the most recent data sets, ensuring federal data is easily accessible and consistent with mapping tools, and working to ensure greater collaboration between sectors such as transportation and education. However, uniformity surrounding what type of data is needed should be defined by HUD. Jurisdictions should also be allowed to include other data as they see fit, but only in supplement to the mandated data elements. Experiential data should be included as well, but should not, in any way, supersede hard data. Since experience is largely subjective, jurisdictions may fail to be inclusive of all vulnerable populations when reporting local experience, especially those who are underrepresented in participation due to existing stigma or other barriers.

In response to HUD’s questions regarding obstacles, LAHSA would assert that AFFH should continue to specify the types of obstacles to fair housing that jurisdictions should address. Clear guidance needs to be provided by HUD as to what is considered “significant,” how obstacles should be prioritized, and how each obstacle should be addressed. There need to be federal standards to ensure accountability, otherwise some jurisdictions may omit the most cumbersome obstacles, which may be the levers that create the greatest impacts for historically-marginalized populations. LAHSA believes that local planning processes are important and can act as tools for inclusivity, but there should be a set of standards surrounding local control to ensure that any locally-set processes are expanding access rather than restricting it. In response to HUD’s questions about program participants’ efforts and the evaluation of those efforts by HUD, the AFFH rule should specify what levels of effort constitute compliance. This will provide accountability and consistency among jurisdictions when evaluating their ability to affirmatively further fair housing.

LAHSA appreciates the opportunity HUD has provided to submit public comment on AFFH. We hope to continue working with HUD on examining and revising policies that will contribute to solutions that reduce homelessness in the future and continue to expand access to fair housing.

Sincerely,

Peter Lynn
Executive Director

Kelli Bernard
Chair, LAHSA Commission