

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

April 24, 2023

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Regulations Division
Office of General Counsel
U.S. Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, D.C. 20410-0500

RE: Docket No. FR-6250-P-01; Affirmatively Furthering Fair Housing

Justice in Aging appreciates the opportunity to provide comments on the proposed Affirmatively Furthering Fair Housing (AFFH) Rule. Justice in Aging is a national legal advocacy organization with the mission of improving the lives of low-income older adults. We use the power of law to fight senior poverty by securing access to affordable housing, health care, economic security, and the courts for older adults with limited resources. We focus on the needs of low-income populations who have traditionally lacked legal protections such as women, people of color, LGBTQI+ individuals, and people with limited English proficiency.

Justice in Aging strongly supports the proposed AFFH Rule and HUD's efforts to advance equity and fair housing. We urge HUD to preserve key elements in the final rule, including strengthened definitions of AFFH and other terms; requirements for program participants to incorporate fair housing goals into other planning processes; and measures to increase transparency, community engagement, and accountability. In addition to endorsing the comments from the National Fair Housing Alliance, Partnership for Just Housing, National Women's Law Center, and the Consortium for Constituents with Disabilities, we offer the following comments that focus on improving the AFFH Rule for low-income older adults.

Definitions

We support the definitions in the proposed rule that incorporate the needs of people with disabilities. According to recent Census data, approximately 25% of adults age 65-74 and nearly 50% of adults age 75 and over report having a disability, including cognitive, vision, hearing, ambulatory, self-care, and independent living difficulties.¹ We appreciate HUD's recognition that fair housing includes opportunities for people with disabilities to live in the most integrated setting appropriate to their needs, in accessible housing with voluntary

¹ United Health Foundation, America's Health Rankings analysis of U.S. Census Bureau's American Community Survey (2023), available at https://www.americashealthrankings.org/explore/measures/able_bodied_sr.



supports and services. We support the inclusion of disability-focused language in the definitions of *affordable housing opportunities*, *fair housing choice*, *integration*, *segregation*, and *community assets*, and we urge HUD to include these references to disability in the definitions of these terms in the final rule.

However, we recommend the following changes to the definitions of *affordable housing opportunities*, *publication*, and *underserved communities*:

Affordable housing opportunities: We request that HUD define “affordable” housing as housing that requires a household to spend no more than 30% of their adjusted household income on housing expenses, including utilities. We also ask that HUD include a reference to extremely low-income households.

Publication: For reasons discussed later in this comment, HUD should add that publication means the prompt or timely public online posting of Equity Plans on HUD-maintained webpages.

Underserved Communities: We request that HUD amend “LGBTQ+” to “LGBTQI+” to be consistent with Executive Order 14075 (“Advancing Equity for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Individuals”).²

We also urge HUD to change the definition of *underserved communities* to include older adults and people with limited English proficiency (LEP).

Older adults: Older adults with marginalized identities often experience housing disparities that are the result of lifelong discrimination in housing, employment, health care, and more. These older adults have faced inequitable access to important opportunities across their lifetimes, and the barriers they experience often compound as they age and are forced to confront additional issues such as disability and ageism.³

Across all racial and ethnic categories, a higher proportion of older renter households face rental cost burdens and severe cost burdens compared to the renter population as a whole. While 47% of all renters are cost-burdened, 53% of older renter households are housing cost-burdened, and almost one in three experience a severe cost burden. Further, older adults and people with disabilities comprise almost half (46%) of all extremely low-income (ELI) renter

² See generally The White House, Executive Order on Advancing Equity for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Individuals (June 15, 2022), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/15/executive-order-on-advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals/>.

³ See generally Tracey Gronniger, “The Intersections of Inequity in Aging” (Jan-Feb 2021), available at <https://generations.asaging.org/intersections-inequity-aging>; Janet Kim and Rachel McCullough, “When It Comes to Aging, Intersectionality Matters” (July 2019), available at <https://caringacross.org/news/when-it-comes-to-aging-intersectionality-matters/>; The Commonwealth Fund, “How Discrimination in Health Care Affects Older Americans, and What Health Systems and Providers Can Do” (April 2022), available at <https://www.commonwealthfund.org/publications/issue-briefs/2022/apr/how-discrimination-in-health-care-affects-older-americans>.

households, who are often most at risk of housing insecurity and homelessness. Older Black, Latino, Asian, and Native American households are about three times more likely to be ELI renters than older white households.⁴

Older adults are also the fastest growing age group among people experiencing homelessness. Researchers estimate that the number of older adults who are unhoused will triple over the next decade, making it critical for communities to prioritize housing solutions for this population.⁵ When older adults become homeless, they generally face more hurdles to regaining housing than younger individuals due to issues such as age-related disabilities and limited options for increasing income.

The Biden Administration has recognized the need to address specific barriers for older adults in Executive Order 14091 (“Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government”)⁶ and the Federal Strategic Plan to Prevent and End Homelessness. The Federal Strategic Plan explains that “due to historical inequities...older adults...are at greater risk of homelessness. They have fewer opportunities to access safe, affordable housing and health care and face more barriers to fulfilling these basic needs once they lose them.” Accordingly, one of the goals of the Plan is to reduce housing instability among older adults and people with disabilities.⁷ HUD should advance this goal through the AFFH Rule by including older adults as an example of an underserved community. Moreover, older adults are frequently overlooked in local housing policy, and therefore the AFFH Rule should explicitly encourage communities to remedy the distinct harms that older adults from protected classes and marginalized communities face.

People with limited English proficiency: People with LEP are another example of an underserved community. Individuals with LEP disproportionately include members of protected class groups and frequently face barriers to accessing housing and other opportunities. Public Housing Authorities (PHAs) and project owners routinely fail to provide language assistance services to prospective or current tenants during the admission, eviction, and termination processes. Advocates in Chicago and New York City, for example, have published reports about

⁴ Justice in Aging, “Low-Income Older Adults Face Unaffordable Rents, Driving Housing Instability and Homelessness” (February 2021), available at <https://justiceinaging.org/wp-content/uploads/2021/02/Older-Adults-Rental-Housing-Burdens.pdf>.

⁵ Dennis Culhane et al., AISP, “The Emerging Crisis of Aged Homelessness: Could Housing Solutions be Funded by Avoidance of Excess Shelter, Emergency Room and Nursing Home Costs?” (2019), available at <https://www.aisp.upenn.edu/aginghomelessness/>.

⁶ Executive Order 14091 describes the need to address barriers for older adults at Section 5(e) and unjustified disparate treatment based on age at Section 10(f). Available at: <https://www.federalregister.gov/documents/2023/02/22/2023-03779/further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal>.

⁷ United States Interagency Council on Homelessness, “All In: The Federal Strategic Plan to Prevent and End Homelessness” (December 2022) at p. 2 and 64, available at https://www.usich.gov/All_In.pdf.

problems that older adults with LEP face in trying to access services from PHAs.⁸ And in some communities, certain groups like Latinos and Asians are significantly underrepresented in federally subsidized housing programs, with language barriers being one likely reason for these disparities.⁹ Individuals with LEP also face discrimination in the private rental market from housing providers who may deny applicants due to their limited English proficiency.¹⁰

Equity Plans

We support the provisions in the proposed AFFH Rule that require program participants to develop Equity Plans with meaningful fair housing goals that are incorporated into other planning documents, such as Consolidated Plans. We also appreciate the proposed rule's focus on increasing transparency through annual progress evaluations, the online publication of Equity Plans and related documents, and community engagement that reaches more members of protected class groups and underserved communities. These changes are important improvements over the 2015 AFFH Rule, and HUD must maintain these elements in the final rule.

HUD should also strengthen these provisions by addressing the following issues:

Local Fair Housing Outreach and Enforcement Capacity

HUD should add local fair housing outreach and enforcement capacity as a separate fair housing goal category, as well as provide relevant data.¹¹ This area of analysis was a critical part of the Assessment of Fair Housing under HUD's 2015 AFFH Rule, and it should be featured more prominently in Equity Plans. Local fair housing outreach and enforcement capacity is often limited in many communities, resulting in problems such as the underreporting of discrimination and long delays in the investigation and resolution of fair housing complaints. Other capacity issues include fair housing agencies' lack of resources to investigate and take on more complex disparate impact cases. HUD should require program participants to identify such problems in more detail than the proposed rule suggests, and program participants must develop goals to improve local fair housing outreach and enforcement capacity. What is more,

⁸ See The Center for Urban Research and Learning at Loyola University Chicago, "Falling Flat: The Chicago Housing Authority's Inadequate Implementation of Their Language Access Plan" (September 2019), available at <https://www.seniorcaucus.org/language-access-report>; CAAV, et al., "No Access: The Need for Improved Language Assistance Services for Limited English Proficient Asian Tenants of New York City Housing Authority" (2015), available at <https://caaav.org/wp-content/uploads/2015/09/CAAHV-full-housing-report-v11-HIGH-RES.pdf>.

⁹ See Vincent Reina and Claudia Aiken, "Fair Housing: Asian and Latino/a Experiences, Perceptions, and Strategies" (April 2021), available at <https://muse.jhu.edu/article/794152>.

¹⁰ See *CNY Fair Housing v. Swiss Village LLC, et al.*, 2022 WL 2643573 (N.D.N.Y. 2022)(alleging that Defendant's policy of only renting to prospective renters who speak and read English constitutes disparate impact and intentional discrimination on the basis of national origin and race under the Fair Housing Act).

¹¹ For example, HUD should provide data about the number of and bases for housing discrimination complaints received by HUD and Fair Housing Assistance Programs (FHAPs), how cases were resolved, and the number of aged cases that were unable to be investigated by FHAPs within the statutorily required 100 days.

the advancement of other goals in an Equity Plan will likely depend on robust fair housing outreach and enforcement.

Integration of People with Disabilities

The questions in §5.154 for equity plan analyses are insufficient for determining the extent of integration of people with disabilities. The current list of questions focuses on segregation and integration only in geographic terms. However – and as HUD’s own proposed definition of *integration* states – “integration for people with disabilities means that such individuals are able to access housing and services in the most integrated setting appropriate to the individual’s needs.” None of the questions in §5.154 addresses this aspect of integration for people with disabilities and the extent to which they are unnecessarily institutionalized. Therefore, we urge HUD to include questions specifically about the integration of people with disabilities as it relates to *Olmstead* and the integration mandate under Section 504 and the Americans with Disabilities Act (ADA).¹²

HUD should also provide guidance on how program participants can assess trends around community integration of people with disabilities. For example, program participants could consult the following:

- Data from states’ Money Follows the Person Programs, which help older adults and people with disabilities transition from institutions into the community;¹³
- data on state long-term services and supports (LTSS) expenditures allocated to home and community-based services (HCBS) vs. institutional services;¹⁴
- information about recent or current *Olmstead* litigation in the state; and
- knowledge of stakeholders in the disability community, such as Protection & Advocacy (P&A) agencies, which advocate for deinstitutionalization and integration for people with disabilities.

Analysis of Barriers to Community Assets for People with Disabilities

For the analysis of barriers to community assets for people with disabilities, program participants should analyze barriers to not only employment, but also access to other income supports and public benefits. Many people with disabilities, including older adults, are unable

¹² For more information about *Olmstead*, Section 504, and the ADA, see Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead* (2013), available at <https://www.hud.gov/sites/documents/OLMSTEADGUIDNC060413.PDF>.

¹³ See CMS, Money Follows the Person, <https://www.medicaid.gov/medicaid/long-term-services-supports/money-follows-person/index.html>.

¹⁴ See CMS, Reports & Evaluations, <https://www.medicaid.gov/medicaid/long-term-services-supports/reports-evaluations/index.html>.

to work full time and rely on benefits such as Supplemental Security Income (SSI) and Social Security Disability (SSD) to pay for housing costs and to meet basic needs.

How States Can Use Federal Funding to AFFH

States receive significant federal funding in the form of public benefits (SSI, SNAP food benefits, and Medicaid, for example), and these safety net programs can help increase affordable housing opportunities for older adults and people with disabilities. Yet too many people face barriers to accessing these critical benefits and experience housing insecurity or homelessness as a result. States should ensure equity in benefits access and maximize the federally-funded benefits that these households receive by removing administrative and other barriers that prevent access and/or lead to wrongful benefit denials and terminations. HUD should consider coordinating with other federal agencies to provide resources on various benefit programs' policy and process options to streamline enrollment and reduce burdens on applicants and enrollees. Further, states could improve access to these benefits by investing in programs that provide benefits advocacy for older adults and people with disabilities. SOAR (SSI/SSD Outreach, Access, and Recovery) Programs, for instance, increase access to SSI/SSD cash benefits for people who have serious mental health issues or other disabilities and are at risk of or experiencing homelessness.

Medicaid funds in particular are critical and can be used in various ways to advance *Olmstead* goals and fair housing for older adults and people with disabilities. For example, states can use Medicaid to deliver housing-related supports, such as services in Permanent Supportive Housing. Medicaid Home and Community-Based Services (HCBS) are also vital for older adults and people with disabilities at risk of institutionalization, providing supports such as personal care assistance and home health services that enable independent living in the community. Further, some states are using Medicaid managed care contracts to encourage Managed Care Organizations (MCOs) to support their members' housing needs by, for example, employing housing coordinators and funding legal assistance for eviction prevention.¹⁵ States should explore these and other options to leverage Medicaid funding to meet fair housing goals, and they should strengthen collaboration between their Medicaid and housing agencies to meet the housing needs of older adults and people with disabilities. HUD should also provide technical assistance and resources on relevant federal Medicaid guidance and Medicaid authorities that states can use to pay for housing-related services.

Analysis of Access to Homeownership and Economic Opportunity

In their analysis of access to homeownership and economic opportunity, states and local jurisdictions should analyze data and information about foreclosures. Although homeownership rates rise with age, many low-income older adults of color face the risk of foreclosure,

¹⁵ See Manatt, "Addressing Housing Insecurity via Medicaid Managed Care" (September 2022), available at <https://www.manatt.com/insights/newsletters/health-highlights/addressing-housing-insecurity-via-medicaid-managed>.

contributing to the racial wealth and homeownership gap.¹⁶ These older adults often struggle to afford property taxes and other costs of maintaining their homes while living on low, fixed incomes, or they may have difficulty meeting requirements of complex mortgage loans, particularly if they have cognitive disabilities.¹⁷ Studies show that Black and Hispanic older adults are twice as likely to have cognitive disabilities, including Alzheimer’s disease and dementia, as older adults who are white.¹⁸ Foreclosure rescue and equity theft scams also frequently target older adults, particularly those who are racially, ethnically, or linguistically isolated.¹⁹ The proposed rule, however, makes no mention of housing and home equity loss through foreclosures, and only focuses on disparities in homeownership access.

Annual Progress Evaluations

HUD should require program participants to specify in their annual evaluations how they have contributed to progress on fair housing goals. AFFH goals are often achieved through collaboration with different agencies and stakeholders, but it is imperative that program participants take active roles in these joint efforts and use whatever authority, tools, and influence they have. If annual progress evaluations are meant to increase the accountability of program participants, these evaluations should outline program participants’ specific contributions towards goals, not just overall progress that may have primarily been due to the work of other agencies and advocates.

Review of Equity Plans

Feedback to HUD on Equity Plans

To facilitate receiving feedback on Equity Plans, we encourage HUD to offer resources – including resources developed by advocacy organizations – to help members of the public understand how they can submit feedback and for what purpose. We also recommend that HUD require program participants to inform stakeholders during the community engagement process about the opportunity to submit comments to HUD. Program participants should also

¹⁶ See U.S. Department of Treasury, “Racial Differences in Economic Security: Housing” available at <https://home.treasury.gov/news/featured-stories/racial-differences-in-economic-security-housing> (discussing how racial differences in rates of distressed home sales contribute to racial differences in housing wealth and the racial wealth gap).

¹⁷ See National Consumer Law Center, “The Other Foreclosure Crisis” (July 2012), available at <https://www.nclc.org/wp-content/uploads/2022/09/tax-lien-sales-report.pdf>; Jenifer McKim, “More Seniors Are Taking Loans Against Their Homes – And It’s Costing Them” (August 2017), available at https://www.washingtonpost.com/business/economy/more-seniors-are-taking-loans-against-their-homes--and-its-costing-them/2017/08/25/5f154072-883a-11e7-961d-2f373b3977ee_story.html.

¹⁸ Sangeeta Gupta, “Racial and Ethnic Disparities in Subjective Cognitive Decline: A Closer Look, United States, 2015-2018” (2021), available at <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-021-11068-1>.

¹⁹ Odette Williamson and Stacey Tutt, “Home Equity Theft and Other Emerging Scams Impacting Older Adults” (August 2022), available at https://ncler.acl.gov/getattachment/Legal-Training/upcoming_event/Home-Equity-Theft-Ch-Summary.pdf.aspx?lang=en-US.

notify stakeholders about the submission date for Equity Plans since members of the public only have 60 days from that date to provide HUD with comments.

In considering feedback, HUD should evaluate comments in light of the goals of the AFFH mandate. To the extent that comments seek to undermine the mandate's goals, HUD should weigh those comments accordingly.

With regard to the definition of *publication*, HUD should add that publication means the prompt or timely public online posting of Equity Plans. Prompt public availability of submitted Equity Plans is important because of the 60-day deadline for comments to HUD. It is unclear whether program participants will make final versions of Equity Plans available to the public themselves (although HUD should require, not merely encourage, them to do so because stakeholders may not know to look for Equity Plans on HUD's website).²⁰ HUD should also ensure that postings are searchable as well as accessible (PDF documents that are accessible with screen readers, for example).

Community Engagement

Combining AFFH Community Engagement with Other HUD Processes

We urge HUD to remove provisions of the proposed rule that would allow program participants to combine the Equity Plan community engagement process with other community, resident, or citizen engagement required for other HUD programs and planning processes. We believe that such a combination would result in too much confusion for members of the public and result in less community participation. In soliciting community engagement for combined processes, program participants may not sufficiently distinguish and highlight the opportunity to provide input on Equity Plans. Therefore, many stakeholders who do not ordinarily participate in other HUD planning processes – including those in the aging and disability communities – may not participate in these engagement opportunities if they do not understand the unique opportunity to provide feedback on AFFH planning.

In addition, HUD states that it “expects a more robust engagement process for purposes of the development of the Equity Plan than has previously been required for purposes of programmatic planning.” Allowing program participants to combine their AFFH community engagement with that for other programmatic planning contradicts and undermines this expectation. Combining AFFH community engagement with other processes will only dilute the AFFH engagement process.

²⁰ If HUD ultimately requires program participants to post Equity Plans on their own websites, HUD should still publish these plans on its own HUD-maintained websites rather than merely posting links to program participants' sites.

Whom Program Participants Should Consult

The AFFH Rule should clarify that program participants must engage with members of protected classes (particularly those who are part of underserved communities), as well as the organizations that represent them. As described in the preamble, program participants should consult with groups representing people with disabilities, such as Centers for Independent Living, Protection & Advocacy Agencies, Aging and Disability Resource Centers, and Councils on Developmental Disabilities. We request that HUD include a reference to these agencies in the rule itself or at least in subregulatory guidance. HUD should also encourage program participants to engage with Area Agencies on Aging (AAAs), which often perform the same functions as Aging and Disability Resource Centers and help older adults, particularly those with disabilities, age in place in their own homes. Similarly, program participants should do outreach to other organizations that are also part of the Aging Network, including legal aid programs that are funded by the Older Americans Act (OAA) to assist older adults with issues such as access to housing and public benefits.²¹ Lastly, HUD should require Equity Plan attachments to list the organizations that participated in the community engagement process.

Access for People with Disabilities and Limited English Proficiency

The community engagement section of the AFFH Rule should describe program participants' obligations to provide accommodations for persons with disabilities and language assistance services for persons with LEP. Section 5.158(a)(7) refers to Title VI, Section 504, and the Americans with Disabilities Act, but offers no further details about these laws' requirements. HUD should explain more fully within the AFFH Rule how program participants should comply with these civil rights laws. Additionally, program participants should provide notice of the availability of language assistance services and accommodations during the community engagement process.

We also urge HUD to require program participants to hold virtual meetings during Equity Plan development and annual engagement. Virtual meetings are often more accessible for older adults and people with disabilities for various reasons, assuming that program participants proactively incorporate accommodations into these meetings (as they should for in-person events as well). Virtual meetings must also include call-in options. As HUD itself has noted, disparate access to the internet and digital devices is closely associated with longstanding inequalities in income, race and ethnicity, age, and immigration status.²² Many older adults, particularly those with low incomes, lack broadband access and do not use the

²¹ See generally Justice in Aging, *The Older Americans Act and Home and Community-Based Services* (December 2019), available at <https://ncler.acl.gov/Files/OAA-Services-Ch-Summary.aspx>.

²² HUD Office of Policy Development and Research (PD&R), "Digital Inequality and Low-Income Households" (Fall 2016), available at <https://www.huduser.gov/portal/periodicals/em/fall16/highlight2.html>.

internet, but they may not be able to physically attend in-person meetings.²³ Virtual meetings with call-in options will provide opportunities for these older adults to participate in the community engagement process.

Prioritizing Fair Housing Issues

The community engagement process should also allow for public input on the prioritization of fair housing issues. It is unclear in the proposed rule whether members of the public will have this opportunity. When prioritizing fair housing issues, a primary consideration for program participants should be feedback from community members about which issues are most important to address.

Public Comment Period for Draft Equity Plans

It is also critical that HUD require program participants to provide a public comment period for draft Equity Plans. Stakeholders should have the opportunity to review and comment on draft Equity Plans before they are finalized and submitted to HUD for approval. We recommend a minimum comment period of 60 days. Allowing members of the public to submit written comments will also improve the accessibility of the community engagement process, as it will increase the formats through which stakeholders can offer input.

Compliance Procedures

We support the creation of a new AFFH administrative complaint and enforcement mechanism, which will be critical for keeping program participants accountable for their AFFH commitments. However, we urge HUD to explicitly adopt a “no-wrong-door” approach to complaints so that all types of fair housing complaints are investigated appropriately. The proposed rule notes that if the investigation of an AFFH complaint implicates an alleged failure to comply with any other federal civil rights law for which HUD has jurisdiction, the investigation will also involve a review under those laws. However, the proposed rule does not explain how HUD will handle a) complaints that may involve violations of AFFH obligations as well as other sections of the Fair Housing Act;²⁴ or b) Section 810 complaints that are mistakenly filed as AFFH complaints. It is unclear whether and how HUD would re-direct such complaints. Clarification is necessary because Section 810 complaints alleging violations of non-AFFH provisions of the Fair Housing Act involve very different, comprehensive enforcement procedures and remedies.

HUD should review each AFFH complaint to determine whether it could also be reasonably construed as a complaint under Section 810, and if so, HUD should establish a

²³ “The Digital Divide Among Low-Income Homebound Older Adults: Internet Use Patterns, eHealth Literacy, and Attitudes Toward Computer/Internet Use” (May 2013), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3650931/>.

²⁴ For example, a complaint alleging a PHA’s systemic failure to grant reasonable accommodations for people with disabilities could be both an AFFH complaint and a complaint under Section 810.

protective filing date to prevent missed statute of limitations. Complainants should have the opportunity to pursue remedies under all relevant administrative enforcement mechanisms, and they should not lose any opportunities due to confusion or lack of understanding about the difference between AFFH and other fair housing complaints.

Finally, we are concerned about HUD's capacity to handle AFFH complaints and the potential diversion of resources from investigating other fair housing complaints. While we support a new process for enforcing AFFH requirements, we also know that the Office of Fair Housing and Equal Opportunity (FHEO) is significantly under-resourced. As a result, HUD is often unable to complete investigations of Section 810 fair housing complaints within the statutorily required 100 days, and some cases remain pending for years. Another issue is that HUD must increase its capacity to investigate complex, systemic housing discrimination, especially because local Fair Housing Assistance Program (FHAP) agencies often lack the resources to do so.²⁵ We hope that HUD will be able to address these challenges and ensure timely, thorough investigations of both AFFH and Section 810 fair housing complaints.

Conclusion

Thank you for your consideration of Justice in Aging's comments. We look forward to HUD finalizing this important rule as soon as possible. If you have any questions, please contact Jennifer Kye, Senior Attorney, at jkye@justiceinaging.org.

Sincerely,



Tracey Gronniger
Managing Director

²⁵ In practice, HUD sometimes investigates fair housing cases that would ordinarily be handled by FHAP agencies when, for example, a FHAP is unable to proceed with reasonable promptness on a complex case. See 42 U.S.C. §810(f)(2).