

Trump's Latest Civil Rights Rollback

HUD's Proposed Affirmatively Furthering Fair Housing Rule

The U.S. Department of Housing and Urban Development (HUD) has proposed a rule that advances the administration's deregulation agenda under the guise of a fair housing and affordable housing rule. Make no mistake: this rule promotes *neither* fair housing nor affordable housing objectives. Instead, this proposal continues the Trump's Administration's pattern of attacking civil rights and affordable housing.



Such a track record includes attempting to halt an expansion of opportunities for families in the Section 8 Voucher program, proposing to make housing discrimination cases harder to bring, and seeking deep budget cuts to HUD programs. Now, HUD is attempting to eliminate a key fair housing regulation that promotes diverse, equitable, inclusive communities.

Discrimination Still Exists, and We Have to Address It

In 1968, Congress realized that making housing discrimination illegal was insufficient on its own to address entrenched residential segregation, caused by federal laws and policies, across the United States. This led lawmakers to include a duty to affirmatively further fair housing (AFFH) in the Fair Housing Act. The AFFH obligation requires all federal agencies, including HUD, and their funding recipients to proactively address segregation in programs and activities related to housing and community development.

In 2015, HUD issued a regulation that created a framework for jurisdictions (states and localities) and public housing authorities to better comply with the AFFH mandate. The 2015 regulation requires these entities to complete a robust analysis of segregation and fair housing disparities in their communities in order to receive HUD funds. Jurisdictions and housing authorities must identify the policies, practices, or conditions that shape disparities in access to housing and broader opportunities for communities of color, persons with disabilities, and other groups protected by the Fair Housing Act. These entities must also identify meaningful goals to address issues such as residential segregation and housing cost burdens.

HUD's Proposal Sets Back Progress in Addressing Segregation

The Trump Administration has halted implementing the 2015 rule. HUD's new proposal seeks to create an AFFH rule that:



Ignores decades of segregation and housing discrimination. HUD's proposal would not require jurisdictions and housing authorities to directly examine or address the legacy of

unequal housing opportunities in our communities. Instead, HUD's proposal makes fair housing an afterthought, rather than the starting point of a discussion about a systemic lack of equal housing opportunities for communities such as people of color and persons with disabilities.



Minimizes oversight and accountability for entities that receive federal housing dollars. HUD's proposal will not require communities to consider whether their policies advance housing opportunities for groups that have historically experienced housing discrimination. Often, communities will not even be required to explain their reasoning when identifying fair housing barriers.



Discounts the importance of public housing authorities' policies. Housing authorities can greatly impact fair housing opportunities within programs such as public housing or the Section 8 Voucher program. Despite this, HUD's proposal excuses housing authorities from conducting any meaningful fair housing analysis.



Attacks protections for tenants, workers, and the environment. HUD's proposal specifically identifies rent control as a potential obstacle to fair housing choice, while leaving out critical issues such as displacement of communities of color in tight rental markets. Furthermore, the proposal tries to use this rule to disparage important labor and environmental standards. In a blatant corporate giveaway, the administration uses this proposal to attack labor and environmental standards under the guise of making housing affordable.



Eliminates a key opportunity for local resident input. HUD's 2015 regulation requires communities and housing authorities to have a robust public hearing and comment opportunity specifically focused on fair housing issues. This proposal eliminates the separate hearing and comment requirement, meaning that fair housing issues will not receive the individualized attention they deserve.

What Can I Do?



Tell HUD you **OPPOSE** this proposal by submitting a comment at www.fightforhousingjustice.org.

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