



Fair Housing Rule Headed To Court

One week after HUD relented under a court order and resumed implementation of the Small Area Fair Market Rent rule crafted by the Obama administration, the department likely will return to court to defend its decision to delay the Affirmatively Furthering Fair Housing Rule.

HUD Secretary Ben Carson shelved the AFFH rule Jan. 5 after learning the federal courts would refuse to back the SAFMR delay. HUD officials speculate the courts will consider the AFFH delay in the same manner as the SAFMR delay and restore the rule.

While Carson vigorously criticized AFFH during his presidential campaign, and President Donald Trump vowed to eliminate it if elected, both appear to have backed away under pressure from an army of supporters, including the Congressional Black Caucus which considers the rule a chief legacy of the Obama administration.

The AFFH is the Obama administration's interpretation of the 1968 Fair Housing Act and subsequent amendments. Fair housing activists contend the original law is too weak to ensure proper enforcement. HUD rewrote the rules to harden enforcement techniques and ensure desegregation of the nation's suburban and rural zip codes on a racial and ethnic quota basis.

The Poverty & Race Research Action Council has mounted a campaign to research potential impacts of the suspension in key jurisdictions, particularly in places with a poor track record of fair housing compliance.

The research findings likely will provide a basis for a lawsuit. If legal action results, the PRRAC likely will have the support of up to 80 civil rights, housing and community development organizations boasting thousands of supporters.

A major backer, the National Low Income Housing Coalition with a battalion of member organizations, calls the suspension misguided.

"The federal government, states and local communities have been required by law since 1968 to work to undo the segregated communities that federal housing policy created in the first place," said NLIHC's President and CEO Diane Yentel following the suspension. "Suspending the tools that help communities meet that obligation, without any input from key stakeholders, is a step in the wrong direction."

The initial phase of AFFH enforcement covers more than 900 local communities over a period of between five to eight years, depending on their Assessment of Fair Housing due dates.