

Housing Affairs Letter

THE INDEPENDENT WASHINGTON REPORT ON HOUSING SINCE 1961

HUD Moves To Alter Fair Housing Rule

HUD Secretary Ben Carson has been silent on the future of the department's new fair housing enforcement rule -- until now. Following HUD's decision to exonerate Westchester County, NY of the department's accusations that it failed to correct its low-income housing dilemma under terms of a 2009 settlement, Carson says he will "reinterpret" the rule.

Carson's message is a response to a letter penned by a group of Senate Republicans led by Sen. Mike Lee (R-UT) asking Carson to rescind the "Affirmatively Furthering Fair Housing" rule in its entirety.

The letter claims the rule would "extend the reach of the federal government beyond its authority and could take away state and local governments' ability to make local zoning decisions."

The rule unveiled by the Obama administration in 2015 is essentially a reinterpretation of the 1968 Fair Housing Act requiring local governments to spell out plans for reducing racial and ethnic segregation or risk eventually losing their federal block grants, particularly Community Development Block Grants.

Carson has long criticized the AFFH as a back-door attempt to legislate racial equality. But Carson is unlikely to totally reverse the rule, citing a 2015 U.S. Supreme Court decision finding that housing policies with disparate impact on black families violated the Fair Housing Act even in the absence of intent to discriminate could be a roadblock to complete elimination of AFFH.

Info: See the letter at www.cdpublications.com/docs/9250

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