



For Immediate Release
Tuesday, January 7, 2020

LDF Media
212-965-2200 / media@naacpldf.org

HUD's Newly Proposed Fair Housing Rule Eliminates Municipal Requirements for Addressing Racial Disparities in Housing Access and Opportunity

Today, the Department of Housing and Urban Development (HUD) released a [proposed rule](#) that will severely weaken fair housing efforts, marking a significant step backward in the efforts to fight discrimination in housing and address the lasting impacts of segregation. This action by HUD is part of this administration's larger attack on civil rights and should alarm all concerned with equal opportunity and basic rights. The NAACP Legal Defense and Educational Fund, Inc. (LDF) strongly opposes this proposed change – and urges HUD to resume implementation of the 2015 affirmatively furthering fair housing (AFFH) regulation instead of enacting this new rule.

“This month we will celebrate Martin Luther King Day. Ending housing segregation was a core priority of Dr. King’s work during the last years of his life,” said Sherrilyn Ifill, LDF’s President & Director-Counsel. “Indeed, the Fair Housing Act was passed by Congress a week after Dr. King’s assassination as cities across this country burned. It was a legislative memorial to a core focus of King’s civil rights work. The release of this proposed rule this month is a cynical and ugly rejection of Dr. King’s vision and work to end housing segregation in our country. Americans need to know that this proposed rule change represents yet another way that this administration is working through federal agencies to dismantle civil rights protections,” Ms. Ifill continued.

The proposed rule creates a new definition of AFFH and decimates the 2015 AFFH rule. The 2015 AFFH rule was intended to further strengthen the tenets of the Fair Housing Act, which, among other requirements, mandates that cities that receive HUD funding “affirmatively further” fair housing. It defines AFFH as “taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.”

By contrast, the recently proposed rule redefines AFFH to focus almost entirely on increasing housing choice or affordable housing – and not at all on ameliorating segregation and poverty. Indeed, this new AFFH rule is not a fair housing rule – it egregiously eliminates any meaningful implementation of the Fair Housing Act’s duty to affirmatively further fair housing and will only further exacerbate fair housing issues, not remedy them. Additionally, while the rule purports to focus on affordable housing, the provisions outlined in the rule would have no meaningful impact on the supply of affordable housing in a community, particularly the location of that housing or its availability to members of protected classes under the Fair Housing Act.

“The Department of Housing and Urban Development (HUD)’s proposal to redefine affirmatively furthering fair housing (AFFH) in a way that solely focuses on housing choice – and not at all on addressing racial disparities in housing – is a blatant and egregious attempt to undermine the premise of the Fair Housing Act,” said Lisa Cylar Barrett, LDF’s Director of Policy. “This rule change represents an absolute regression in fair housing practices. The proposed rule would return the fair housing system in the United States to one similar to or worse than that which was determined by the Government Accountability Office (GAO) in 2010 to be ineffective as a mechanism for HUD to carry out its fair housing obligations and it must not move forward.”

###

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).