
Rolling Back Affirmatively Furthering Fair Housing Rule Will Undermine Housing Anti-Discrimination Efforts

Statement from Peggy Bailey, Vice President for Housing Policy

Unraveling the Affirmatively Furthering Fair Housing rule put in place under the Obama Administration is another example of the Trump Administration taking actions that divide rather than unify the country. Housing segregation, at its core, allows policymakers to purposefully disinvest in communities of color and direct investment to white neighborhoods. The Fair Housing Act's Affirmatively Furthering Fair Housing requirement recognizes that government at all levels should be actively working to create communities that are open to all. Watering down this core tenet of the Fair Housing Act essentially tells federal, state, and local policymakers that it's okay to ignore discrimination. Instead, housing discrimination and segregation will continue to be swept under the rug.

The President's rhetoric fuels the same racist sentiments that created the need for the Fair Housing Act in 1968 and that continue today to justify using laws, loans, public investments, and willful ignorance to curtail housing choices for people of color. Not affirmatively working to disrupt and dismantle these policy actions creates segregated, neglected communities that actively inflict pain on certain people while supporting others. Segregation results in the kinds of actions we see again and again in certain areas: highways dividing Black neighborhoods, redlining, disinvestment in schools that serve kids of color, neglect of deteriorating buildings, and the shuttering of neighborhood anchors like grocery stores and banks.

Today, we are seeing the deadly results of continued limitations on housing opportunities and community investments. The COVID-19 pandemic is showing us the heavy price communities of color pay for lawmakers' misdeeds. Over the course of just a few months, the impact of centuries of unequal housing, health care, education, and job opportunities has become glaringly obvious — higher infection rates, higher death rates, and higher rates of job loss among Black, Latinx, and Native American people. At its core, the Affirmatively Furthering Fair Housing obligation in the Fair Housing Act recognized that housing is instrumental to attaining the "American Dream." It is indefensible that the Administration seeks to tear it down in the name of politics. Instead of moving the nation forward toward equity as is called for in this moment in history, the Administration is reinforcing our racist past.

Background

The rule the Trump Administration announced yesterday would seriously weaken community efforts to enable all households to secure housing without facing discrimination.

The rule would largely reverse 2015 regulations designed to ensure that housing agencies and communities receiving Department of Housing and Urban Development (HUD) funding fulfill their obligations under the 1968 Fair Housing Act. That law requires them to identify barriers to housing access for certain specified groups and take affirmative steps toward ending housing discrimination and reversing damage from many decades of residential segregation and racist housing policies.

When the rule takes effect, ongoing housing discrimination and segregation will likely continue to be swept under the rug and HUD resources will do far less to reduce segregation and expand housing opportunities for people of color, people with disabilities, and other protected groups.

The Administration is also thwarting HUD's longstanding rulemaking procedures by finalizing the rule without finishing the notice and comment rulemaking process HUD initiated earlier this year. This is both legally dubious and denies affected communities, fair housing experts, and the general public the opportunity to meaningfully contribute to the rulemaking process.

#

The Center on Budget and Policy Priorities is a nonprofit, nonpartisan research organization and policy institute that conducts research and analysis on a range of government policies and programs. It is supported primarily by foundation grants.