

ASSEMBLY RESOLUTION No. 112

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Chiaravalloti

SYNOPSIS

Opposes Department of Housing and Urban Development's proposed changes to Affirmatively Furthering Fair Housing rule.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

1 **AN ASSEMBLY RESOLUTION** expressing opposition to the
2 Department of Housing and Urban Development’s proposed
3 changes to the Affirmatively Furthering Fair Housing rule.
4

5 **WHEREAS**, In 2015, the United States Department of Housing and
6 Urban Development (“HUD”) adopted an Affirmatively Furthering
7 Fair Housing (“AFFH”) rule that established a new framework for
8 HUD funding recipients to meet their longstanding legal obligation
9 under the federal Fair Housing Act to reduce barriers to fair housing
10 and equal opportunity; and

11 **WHEREAS**, The AFFH rule was promulgated in response to the
12 recommendations of the United States Government Accountability
13 Office and affected stakeholders centered on the need for HUD to
14 bolster its fair housing planning obligations by providing greater
15 clarity and support to HUD funding recipients and facilitating local
16 decision-making on fair housing priorities and goals; and

17 **WHEREAS**, The AFFH rule achieves these ends by providing clearer
18 standards for meeting fair housing obligations, greater transparency,
19 increased access to data concerning fair housing conditions and
20 access to opportunity, and new mapping and customizable
21 assessment tools, as well as by encouraging collaboration between
22 jurisdictions and community input and participation; and

23 **WHEREAS**, The AFFH rule ultimately serves to help HUD funding
24 recipients take meaningful actions to overcome historic patterns of
25 segregation, promote fair housing choice, and foster inclusive
26 communities that are free from discrimination; and

27 **WHEREAS**, On August 9, 2018, HUD issued an advance notice of a
28 proposed rulemaking that would undo much of the AFFH rule for
29 the stated reasons that the rule impeded the development and
30 rehabilitation of affordable housing and provided inadequate
31 autonomy to HUD funding recipients; and

32 **WHEREAS**, The AFFH rule has not been in effect long enough to
33 adequately assess its effect on the development and rehabilitation of
34 affordable housing, the rule does not in fact dictate how
35 communities should meet their fair housing obligations, and the
36 rule has produced concrete improvements in fair housing, such as
37 the commitment of Chester County, Pennsylvania to reduce the
38 number of Section 8 recipients living in high-poverty census tracts
39 by five percentage points; and

40 **WHEREAS**, It is altogether fitting, proper, and in the public interest, for
41 this House to express opposition to HUD’s proposed rulemaking
42 that would upend the AFFH rule and exacerbate housing inequities
43 in both this State and across the United States; now, therefore,
44

45 **BE IT RESOLVED** *by the General Assembly of the State of New*
46 *Jersey:*

AR112 MURPHY, HOLLEY

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1. This House expresses its opposition to and disapproval of the United States Department of Housing and Urban Development's proposed rulemaking revising its Affirmatively Furthering Fair Housing rule adopted in 2015.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly to the President and Vice President of the United States, the United States Secretary of Housing and Urban Development, and each member of Congress elected from this State.

STATEMENT

This resolution expresses the opposition of the General Assembly to the United States Department of Housing and Urban Development's ("HUD") proposed rulemaking that would weaken its 2015 Affirmatively Furthering Fair Housing ("AFFH") rule. The AFFH rule established a new framework for communities receiving HUD funding to meet their longstanding legal obligation under the federal Fair Housing Act to reduce barriers to fair housing and equal opportunity. The AFFH rule introduced a number of new measures to make it clearer and easier for these communities to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities free from discrimination. HUD's proposal to jettison much of the AFFH rule threatens to jeopardize the real progress to be made toward these essential objectives if the AFFH rule is maintained and implemented.