

SENATE RESOLUTION No. 76

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 6, 2020

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



1 **A SENATE RESOLUTION** expressing opposition to the Department of
 2 Housing and Urban Development’s proposed changes to the
 3 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 Senate of the State of New Jersey:*

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 47 1. This House expresses its opposition to and disapproval of
 48 the United States Department of Housing and Urban Development’s

SR76 SINGLETON

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1 proposed rulemaking revising its Affirmatively Furthering Fair
2 Housing rule adopted in 2015.

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4 2. Copies of this resolution, as filed with the Secretary of State,
5 shall be transmitted by the Secretary of the Senate to the President
6 and Vice President of the United States, the United States Secretary of
7 Housing and Urban Development, and each member of Congress
8 elected from this State.

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STATEMENT

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