[Opposing the United States Department of Housing and Urban Development’s Proposed Affirmatively Further Fair Housing Rule]

Resolution opposing the United States Department of Housing and Urban Development’s proposed affirmatively further fair housing rule that was announced on January 7, 2020, by Secretary Ben Carson.

WHEREAS, In 1968, the United States Congress realized that making housing discrimination illegal was insufficient on its own to address entrenched residential segregation, caused by federal laws and policies, across the United States; and

WHEREAS, The Fair Housing Act of 1968 was passed so the federal government, states, and local communities are required by law to work to undo the segregation of communities that federal housing policy created in the first place; and

WHEREAS, No meaningful guidance existed until the 2015 Affirmatively Furthering Fair Housing (AFFH) rule was established, which made the strongest effort in decades to reverse the harmful patterns of segregation and discriminatory practices in communities across the country; and

WHEREAS, The 2015 AFFH rule equipped local and state jurisdictions with the tools and guidance to meet their obligations under the Fair Housing Act, allowing flexibility to identify fair housing challenges and develop priorities and methods for addressing them as well as require jurisdictions to complete a robust analysis of segregation and fair housing disparities in their communities in order to receive Housing and Urban Development (HUD) funds; and

WHEREAS, In 2018, the United States Housing and Urban Development led by Secretary Ben Carson, under the Trump administration, suspended implementation of the

Supervisors Walton; Haney, Peskin, Safai, Ronen, Mandelman, Preston
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2015 AFFH rule based on 49 initial Assessment of Fair Housing (AFH) submissions by local jurisdictions, 32 which were ultimately accepted by HUD; and

WHEREAS, On January 7, 2020, HUD published its proposed new Affirmatively Furthering Fair Housing rule, which will gut the 2015 AFFH rule allowing communities to ignore the essential racial desegregation obligations of fair housing laws; and

WHEREAS, HUD’s proposal will not require jurisdictions and housing authorities to directly examine or address the legacy of unequal housing opportunities in our communities; and

WHEREAS, HUD’s proposal will minimalize oversight and accountability for entities that receive federal housing dollars and will not require communities to consider whether their own polices advance housing opportunities for groups that have historically experienced housing discrimination; and

WHEREAS, HUD’s proposal excuses housing authorities from conducting any meaningful fair housing analysis; and

WHEREAS, HUD’s proposal specifically identifies rent control as a potential obstacle to fair housing choice, while leaving out critical issues such as displacement of communities of color in tight rental markets such as in San Francisco; and

WHEREAS, HUD’s proposal will disparage important labor and environmental standards; and

WHEREAS, HUD’s proposal eliminates the separate hearing and comment requirement; and

WHEREAS, HUD’s new proposed rule will further advance the administration’s deregulation agenda under the guise of fair housing and affordable housing rule; and
WHEREAS, The new proposed rule promotes neither fair housing or affordable housing objectives as the proposed rule falsely assumes an overall increase in the supply of housing will trickle down to become "affordable" without any consideration of a jurisdiction's policies and practices affecting people in the protected classes or any focus on overcoming historic patterns of housing segregation created by discriminatory federal housing policies in the first place; now, therefore, be it

RESOLVED, That the City and County of San Francisco strongly opposes the United States Department of Housing and Urban Development's new proposed rule which will eliminate the 2015 Affirmative Fair Housing Rule, reduce accountability and transparency on where HUD money goes, use rent control and tenant protections as conditions for federal dollars, and gut labor and environmental standards; and, be it

FURTHER RESOLVED, That the City and County of San Francisco condemns any federal housing policy that removes the ability to address housing discrimination and segregation created by the federal government; and, be it

FURTHER RESOLVED, That the City and County of San Francisco reaffirms its commitment to protecting communities of color who have been displaced by large numbers as a result of housing policies that have had a discriminatory impact such as redlining, the foreclosure crisis, gentrification, and development patterns in historic communities of color; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs the Clerk of the Board to send a copy of this resolution to Secretary Ben Carson of the United States Department of Housing and Urban Development.
Resolution opposing the United States Department of Housing and Urban Development's proposed affirmatively further fair housing rule that was announced on January 7, 2020, by Secretary Ben Carson.

March 17, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 3/17/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board