

# Trump's Latest Civil Rights Rollback

## HUD's Proposed Affirmatively Furthering Fair Housing Rule

The U.S. Department of Housing and Urban Development (HUD) has proposed a rule that advances the administration's deregulation agenda under the guise of a fair housing and affordable housing rule. Make no mistake: this rule promotes *neither* fair housing nor affordable housing objectives. Instead, this proposal continues the Trump's Administration's pattern of attacking civil rights and affordable housing.



Such a track record includes attempting to halt an expansion of opportunities for families in the Section 8 Voucher program, proposing to make housing discrimination cases harder to bring, and seeking deep budget cuts to HUD programs. Now, HUD is attempting to eliminate a key fair housing regulation that promotes diverse, equitable, inclusive communities.

### Discrimination Still Exists, and We Have to Address It

In 1968, 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. This led lawmakers to include a duty to affirmatively further fair housing (AFFH) in the Fair Housing Act. The AFFH obligation requires all federal agencies, including HUD, and their funding recipients to proactively address segregation in programs and activities related to housing and community development.

In 2015, HUD issued a regulation that created a framework for jurisdictions (states and localities) and public housing authorities to better comply with the AFFH mandate. The 2015 regulation requires these entities to complete a robust analysis of segregation and fair housing disparities in their communities in order to receive HUD funds. Jurisdictions and housing authorities must identify the policies, practices, or conditions that shape disparities in access to housing and broader opportunities for communities of color, persons with disabilities, and other groups protected by the Fair Housing Act. These entities must also identify meaningful goals to address issues such as residential segregation and housing cost burdens.

### HUD's Proposal Sets Back Progress in Addressing Segregation

The Trump Administration has halted implementing the 2015 rule. HUD's new proposal seeks to create an AFFH rule that:



**Ignores decades of segregation and housing discrimination.** HUD's proposal would not require jurisdictions and housing authorities to directly examine or address the legacy of  
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unequal housing opportunities in our communities. Instead, HUD's proposal makes fair housing an afterthought, rather than the starting point of a discussion about a systemic lack of equal housing opportunities for communities such as people of color and persons with disabilities.



**Minimizes oversight and accountability for entities that receive federal housing dollars.** HUD's proposal will not require communities to consider whether their policies advance housing opportunities for groups that have historically experienced housing discrimination. Often, communities will not even be required to explain their reasoning when identifying fair housing barriers.



**Discounts the importance of public housing authorities' policies.** Housing authorities can greatly impact fair housing opportunities within programs such as public housing or the Section 8 Voucher program. Despite this, HUD's proposal excuses housing authorities from conducting any meaningful fair housing analysis.



**Attacks protections for tenants, workers, and the environment.** 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. Furthermore, the proposal tries to use this rule to disparage important labor and environmental standards. In a blatant corporate giveaway, the administration uses this proposal to attack labor and environmental standards under the guise of making housing affordable.



**Eliminates a key opportunity for local resident input.** HUD's 2015 regulation requires communities and housing authorities to have a robust public hearing and comment opportunity specifically focused on fair housing issues. This proposal eliminates the separate hearing and comment requirement, meaning that fair housing issues will not receive the individualized attention they deserve.

## What Can I Do?



Tell HUD you **OPPOSE** this proposal by submitting a comment at [www.fightforhousingjustice.org](http://www.fightforhousingjustice.org).

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For Immediate Release  
Deidre Swesnik, Director of Communications, 202-919-9106



**Leading Civil Rights & Housing Groups Condemn President’s Effort to Gut Fair Housing, Use of Incendiary Racial Rhetoric for Political Gain**

*Fair housing advocates denounce Trump’s newest effort to eliminate a critical tool for desegregation and call on president to instead focus on equity during the pandemic*

Washington, D.C.-- Today, a coalition of civil rights, affordable housing and consumer advocacy organizations condemned the move by the Trump administration to eliminate a critical tool for addressing systemic racism and segregation in our communities. In its haste to undermine this central component of the Fair Housing Act, the administration has done an end run around the normal rulemaking process and adopted a new Affirmatively Furthering Fair Housing (AFFH) rule by executive fiat.

"The President's attacks on the Affirmatively Furthering Fair Housing Rule are deeply racist. The AFFH rule was functionally eliminated in 2017, so the administration's focus on it now is clearly a political stunt to stoke racial animus before the election. To say that a rule that requires cities to analyze segregation would 'destroy the suburbs' is as close as you can get to an endorsement of racial segregation without actually saying the words," said Shamus Roller, executive director of the National Housing Law Project.

"Our nation is simultaneously facing a global pandemic and nationwide reckoning on entrenched institutional racism. Both have laid bare our country's enduring legacy of the disenfranchisement of and disregard for Black and Brown lives. Instead of working to ensure that our all nation's families stay safe and avoid eviction during the public health crisis, this administration is working to dismantle decades of civil rights law."

**Read the full news release here**



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## DISCRIMINATION BASED ON RACE

You have a right to fair housing, equal employment opportunity, and access to public accommodations regardless of your race and/or color. The Human Rights Commission investigates and adjudicates allegations of discrimination based on race and other protected classes, including gender, disability, sexual orientation, religion, age, and citizenship status, in housing, employment, public accommodations, and credit lending.

### HOUSING

The Westchester County Fair Housing Law prohibits anyone involved in residential real estate transactions from discriminating based on a person's actual or perceived race and/or color. That means landlords, brokers, property managers, real estate agents, cooperative and condominium boards, and others may not engage in illegal race discrimination.

Examples of prohibited housing discrimination may include:

- Refusing to rent an apartment to a person because of the person's race
- Requiring tenants of one race to pay an extra security deposit not required of tenants of other races
- Falsely stating that a housing unit is unavailable to prospective tenants based on their race
- Placing advertisements for housing that suggest a preference based on a prospective tenant's race

### EMPLOYMENT

The Westchester County Human Rights Law protects employees and applicants from discrimination based on race and/or color in the workplace. You have a right to apply for, and be fairly considered for, a job, apprenticeship, or traineeship regardless of your race and/or color. Employers have an obligation to maintain a workplace free from race discrimination.

Examples of prohibited employment discrimination may include:

- Refusing to interview an applicant because of the person's race
- Subjecting employees of one race to less favorable terms of employment than employees of other races
- Paying employees of one race less than employees of other races

### PUBLIC ACCOMMODATIONS

It is against the law to discriminate against any person based on race when providing public accommodations, services, or facilities. Public accommodations include restaurants, hotels, public transportation, places of entertainment, and shops.

Examples of public accommodation discrimination may include:

- Refusing to seat customers in main seating areas because of race
- Refusing to serve a customer because of race

It is against the law to retaliate against anyone for filing a complaint of discrimination with the Commission.

This general guidance is not binding and is not to be used in any litigation or proceeding. Certain exceptions apply.

**To file a complaint or get more information, contact the  
Westchester County Human Rights Commission:**

**112 East Post Road, 3rd Floor, White Plains, New York 10601**

**Phone: (914) 995-7710 Fax: (914) 995-7720**

**Email: [humanrights@westchestergov.com](mailto:humanrights@westchestergov.com)**

**[www.humanrights.westchestergov.com](http://www.humanrights.westchestergov.com)**

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