



FAIR HOUSING

YOUR MONTHLY UPDATE TO HOUSING NEWS, INFORMATION AND EVENTS

September 2018

HUD to Use Fair Housing Act to Boost Affordability

Washington, DC – Under the leadership of Secretary Ben Carson, the Department of Housing and Urban Development (“HUD”) is taking a second look at the regulation known as “Affirmatively Furthering Fair Housing” (“AFFH”).

The original AFFH rule was published in July of 2015. The purpose of AFFH was to assist counties and cities in meeting their legal obligations under the Fair Housing Act.

However, as pointed out in HUD’s recent press release, “... in contrast to its stated goals, the AFFH rule proved ineffective, highly prescriptive, and effectively discouraged the production of affordable housing.”

Earlier in the year, the obligations of localities under the rule was suspended, declaring that the directions given by HUD

were “confusing, difficult to use, contained errors, and frequently produced unacceptable assessments, and otherwise required an unsustainable level of technical assistance.”

In response, HUD has started a process to amend the AFFH rule. The goals for the new procedures will be:

“(1) minimize regulatory burden while more effectively aiding program participants to meet their statutory obligations,

(2) create a process focused primarily on accomplishing positive results, rather than on analysis,

(3) provide for greater local control and innovation,

(4) *seek to encourage actions that increase housing choice, including through greater housing supply, and*

(5) more efficiently utilize HUD resources.” (emphasis added)

“HUD believes very deeply in the purposes of the Fair Housing Act and that states, local governments, and public housing authorities further fair housing choice,” said Secretary Ben Carson. “HUD’s 2015 rule often dictated unworkable requirements and actually impeded the development and rehabilitation of affordable housing.”

“It’s ironic that the current AFFH rule, which was designed to expand affordable housing choices, is actually suffocating investment in some of our most distressed neighborhoods that need our investment the most,” Carson continued. “We do not have to abandon communities in need. Instead we believe we can craft a new, fairer rule that creates choices for quality housing across all communities.”



HUD Enforcements Continue

The last month seemed to be an exceptionally busy month for Fair Housing enforcement actions at HUD. Below is a sampling of the cases with links to the agency press release. All blurbs are adapted from HUD press releases that are linked within the summaries.

The largest case this month is out of **Florida**. In this case, a woman filed a complaint against the Pensacola Area Housing Commission alleging maintenance workers subjected her to a severe incident of sexual harassment. The woman's complaint further alleged that after she reported the incident, the Area Housing Commission retaliated against her. The fine in this case was \$100,000. [Click here](#) to read HUD's press release and [here](#) to read the settlement agreement.

Also, in the news since the last edition are the following cases:

In **California**, a woman with a disability filed a complaint alleging she had been denied the opportunity to rent one of two wheelchair accessible units at a complex, using her Housing Choice Voucher. [Click here](#) to read HUD's press release and [here](#) to read the settlement agreement.

In **Nevada** a single mother of six filed a Fair Housing complaint alleging her landlord

sexually harassed her and created a hostile living environment, including unwanted touching and sexual comments. In addition, the woman alleged the company owning the complex attempted to terminate her lease and failed to return a rent overpayment of \$1,000 because she was unreceptive to the manager's advances. [Click here](#) to read HUD's press release and [here](#) to read the settlement agreement.

In **Utah**, a woman with disabilities filed a complaint alleging her landlord refused her request to be assigned a designated parking space close to her unit. [Click here](#) to read HUD's press release and [here](#) to read the settlement agreement.

Finally, two new high profile Fair Housing cases were filed in [Massachusetts](#) and [South Dakota](#).



If you have any questions regarding Fair Housing or would like back issues, please contact MHI's Senior Vice President of State and Local Affairs and General Counsel, Rick Robinson at rrobinson@mfghome.org.

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