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## **Civil Rights Orgs Challenge HUD's New Attempt to Destroy Critical Fair Housing Tool**

View the [amended complaint](#) and the renewed motion for a [preliminary injunction](#).

Washington, D.C. – On May 29th, the National Fair Housing Alliance (NFHA), Texas Low Income Housing Information Service (Texas Housers), and Texas Appleseed filed an amended complaint and a new preliminary injunction motion in their lawsuit against the U.S. Department of Housing and Urban Development (HUD). The lawsuit, originally filed on May 8, 2018, began as a challenge to HUD's January 2018 notice that abruptly suspended the Affirmatively Furthering Fair Housing Rule (AFFH Rule). This important regulation requires local jurisdictions that take federal housing money to finally take seriously their obligations under the Fair Housing Act to combat fair housing discrimination and segregation. HUD's January action delayed for almost three years the requirement that jurisdictions prepare and submit an Assessment of Fair Housing for review. The plaintiffs' lawsuit challenged the suspension of that requirement as a violation of the Administrative Procedure Act (APA).

Shortly after plaintiffs sued, on May 23, 2018, HUD withdrew its January notice. But at the same time, it continued its effective suspension of the AFFH Rule in a different way by withdrawing the Assessment Tool that local governments must use to complete their AFHs, and it told local governments that they still were not required to meet the AFFH Rule's requirements. By withdrawing the planning tool that is central to local cities' ability to carry out an Assessment of Fair Housing, HUD's May action has the same unlawful effect as its January action: both revert the process of ensuring that jurisdictions meet their fair housing obligations back to an earlier system

that involves little HUD oversight and that both the government and fair housing experts agreed was disturbingly ineffective. HUD is continuing to abandon its obligation under the Fair Housing Act and the AFFH Rule to ensure that municipalities do a better job of taking on housing discrimination and segregation that have perpetuated within their borders for too long.

In the United States, where you live matters. Where you live determines your life expectancy, household income, chances of being incarcerated, credit score, chances of becoming a homeowner, your child's chances of graduating or attending college, and your health outcomes. This is because racially segregated communities have little access to grocery stores, living wage jobs, quality schools, hospitals, banks, credit unions, and healthy environments. The AFFH Rule is designed to address these inequities.

"HUD is still effectively suspending the AFFH Rule and we still fully expect that a court will find its action to be unlawful. The Fair Housing Assessment Tool is a critical part of the fair housing planning process and has proven to be beneficial to jurisdictions across the country as they work to expand housing access for their residents. The plaintiffs and their legal counsel are still moving forward to ensure that communities are free from discrimination. We have been waiting for 50 years for this component of the Fair Housing Act to be fully implemented and we are committed to seeing that it is done," said Lisa Rice, President and CEO of the National Fair Housing Alliance.

The plaintiffs demand that HUD rescind the May 23rd notice and fully implement the AFFH rule immediately. Every day HUD delays in reinstating this critical Rule to promote fairness in our society is another day that millions of people will continue to be harmed by unfair practices and policies.

"We have seen more progress in addressing local fair housing issues including segregation with the Assessment process and use of the AFH tool than we ever saw with the AI process," Texas Housers co-director John Henneberger said. "HUD's decision to walk away from this process and this tool is completely inconsistent with their responsibility to enforce the Fair Housing Act."

"Jurisdictions themselves asked for the Assessment Tool and HUD guidance and review provided by the 2015 AFFH Rule because the prior process was so confusing. The Assessment of Fair Housing process has been successful and started to make meaningful progress towards undoing the legacy of segregation and discrimination. We will continue to challenge HUD's unlawful attempts to undercut the Fair Housing Act and the civil rights of millions of Americans," said Madison Sloan, Disaster Recovery and Fair Housing Project Director for Texas Appleseed.

The plaintiffs are represented by the Lawyers' Committee for Civil Rights Under Law, the law firm of Relman, Dane & Colfax PLLC, the American Civil Liberties Union (ACLU), the NAACP Legal Defense and Educational Fund, Inc. (LDF), the Poverty & Race Research Action Council (PRRAC), and Public Citizen Litigation Group.

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Founded in 1988, **NFHA** is a consortium of more than 220 private, nonprofit fair housing organizations, state and local civil rights agencies, and individuals from throughout the United

States. Headquartered in Washington, D.C., NFHA works to eliminate housing discrimination and ensure equal housing opportunity for all people through leadership, education, outreach, membership services, public policy initiatives, community development, advocacy, and enforcement.

**Texas Low Income Housing Information Service**, or Texas Housers, is a nonprofit 501(c)(3) corporation established in Austin in 1988 by a concerned group of community leaders, nonprofit, public and private housing providers and low income people.

**Texas Appleseed** is a public interest justice center that works to change unjust laws and policies that prevent Texans from realizing their full potential. Our nonprofit conducts data-driven research that uncovers inequity in laws and policies and identifies solutions for lasting, concrete change.