



August 17, 2018

Statement from the National Fair Housing Alliance, Texas Appleseed & Texas Housers Concerning the Recent AFFH Ruling

We are deeply disappointed that the court did not recognize the importance of immediately and fully reinstating the mechanisms needed to implement the Affirmatively Furthering Fair Housing Rule. The requirement is a core element of the original Fair Housing Act. This obligation requires any jurisdiction that uses federal funds to do so in a way that promotes fairness in housing opportunities. This common sense rule gives jurisdictions the tools they need to identify barriers to fair housing and come up with their own solutions to the unique problems they face.

Since the law was passed 50 years ago, HUD has not had an effective means for ensuring compliance with the Fair Housing Act. This ruling means a failed system will continue. We are deeply concerned particularly since the court's opinion acknowledges that the current system is flawed. The court's ruling against a preliminary injunction and dismissing the case means that jurisdictions can continue to get away with engaging in housing discrimination or receiving federal funds in the absence of eliminating barriers to fair housing. The evidence is clear that the court's action will lead to continued fair housing litigation against jurisdictions and housing authorities which is an extremely costly way to achieve the goals of the Affirmatively Furthering Fair Housing mandate.

This is a significant setback for the millions of Americans that depend on our government to protect and enforce their civil rights. The AFFH rule, as it was originally constructed, provided a framework for jurisdictions to invest in communities that have suffered from redlining and other discriminatory practices. It was designed to help program participants use federal funds in a way that improves neighborhoods, directs investments into underserved areas to help revitalize them, encourages the development of affordable housing, supports transportation infrastructure, attracts grocery stores that provide healthy foods, and much more. The rule was designed to help municipalities accurately identify discriminatory barriers and develop effective solutions to overcome them.

The process currently in place is the same process that allowed municipalities to deny water services to communities of color and still receive federal funds. It is the same system that allows communities to construct inferior and damaging drainage services in predominately

African-American and Latino neighborhoods and still receive federal funds. It is a process that we cannot let stand.

The National Fair Housing Alliance, Texas Low Income Housing Information Service, and Texas Appleseed will continue to advocate and push for the full enforcement of the Fair Housing Act, including the meaningful enforcement of the Affirmatively Furthering Fair Housing mandate. We are evaluating our options on how best to proceed.

RESOURCES

Original Lawsuit

<https://www.texasappleseed.org/sites/default/files/Amended%20complaint%20AFFH.pdf>

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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.

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.

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.