

**STATEMENT OF NEW YORK CITY BAR ASSOCIATION
REGARDING THE TRUMP ADMINISTRATION’S ROLLBACK OF
FEDERAL FAIR HOUSING ACT PROTECTIONS**

The New York City Bar Association is alarmed by the Trump Administration’s significant undermining of the Fair Housing Act (FHA) and the rollback of efforts to provide equitable and affordable housing to all Americans. In late July of this year, the U.S. Department of Housing and Urban Development (HUD) terminated the Obama-era rule implementing the Affirmatively Furthering Fair Housing (AFFH) provision of the FHA. The 2015 rule sought to more effectively combat housing discrimination by requiring cities and towns that received federal funding to take meaningful action to “address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.”¹

When announcing its termination, HUD Secretary Ben Carson said the 2015 rule was “complicated, costly, and ineffective.”² President Trump’s related tweet, however, suggest a more sinister rationale for the rule change:

“I am happy to inform all of the people living their Suburban Lifestyle Dream that you will no longer be bothered or financially hurt by having low income housing built in your neighborhood...Your housing prices will go up based on the market, and crime will go down. I have rescinded the Obama-Biden AFFH Rule. Enjoy!”³

A reasonable interpretation of the President’s tweet is that it embodies and, indeed, celebrates the exclusionary and racist housing practices that the FHA was specifically intended to eliminate. Moreover, it unnecessarily stokes division. The tweet is an attack on those the FHA intends to protect from housing discrimination -- historically, Black people but also people with disabilities, Indigenous persons as well as other people of color.

The City Bar is committed to diversity, equity, inclusion and fairness for all, and thus rejects the President’s statement, as well as his Administration’s continuing efforts to dismantle necessary civil rights protections. As aptly put by the American Institute of Architects in opposing this rollback, “[a]t such a critical moment in time for addressing racial inequity, it’s clear we need to do more, not less, to provide equitable opportunity to all Americans, especially

¹ 24 CFR § 5.152

² Press Release HUD No. 20-109, “Secretary Carson Terminates 2015 AFFH Rule,” U.S. Department of Housing and Urban Development, July 23, 2020, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_109.

³ Trump, Donald (@realDonaldTrump). July 29, 2020, 12:19 PM, <https://twitter.com/realDonaldTrump/status/1288509568578777088> and <https://twitter.com/realDonaldTrump/status/1288509572223651840>.

for a basic human need such as shelter.”⁴ We join the AIA and others in firmly denouncing the Administration’s wholesale disavowal of our nation’s obligation to affirmatively further fair housing and ensure that all Americans enjoy equal opportunity to live where they choose free from discrimination. The City Bar opposes the Trump Administration’s actions and stands in solidarity with those most affected by these changes.

Sheila S. Boston
President

Zoey Chenitz
Chair, Civil Rights Committee

August 7, 2020

⁴ Press Release, “HUD rollback of Fair Housing policy puts communities at risk,” AIA, July 29, 2020, <https://www.aia.org/press-releases/6315087-hud-rollback-of-fair-housing-policy-puts-c>