



PROTECTING HOUSING CHOICE

- As America’s Democrat-run cities descend into repeated riots, violence,¹ and lawlessness,² it is more important than ever to give all American families—of every race, creed, and background—the option to live in different areas.
- Unfortunately, Vice President Biden recently expressed support for reinstating an Obama Administration rule that undermines Americans’ freedom to choose where and how they want to live.³
- In 2015, the Obama Administration quietly gave unprecedented power to officials at the Department of Housing and Urban Development (HUD) through a rule called Affirmatively Furthering Fair Housing (AFFH).⁴
- Under AFFH, Washington bureaucrats could override local single-family zoning regulations across the U.S., forcing small communities and suburbs to allow apartment buildings and other large development projects.
- The stated intent of AFFH was to promote “economic integration.” However, it proved radical and controversial, using racial quotas to decide which neighborhoods should be altered to fit the standards of HUD bureaucrats.⁵
- If localities didn’t comply, they wouldn’t receive federal housing funding. This entailed forcing quiet, low density suburbs to act as guinea pigs for a grand experiment in social engineering.
- The Fair Housing Act protects an individual’s right to buy and rent housing where they please, regardless of race or ethnicity.⁶ AFFH acts in contrast to this law by allowing Washington bureaucrats to dictate where people can live.
- Families of all incomes and backgrounds have long aspired to the comfort, safety, affordability, and possibility of homeownership provided by the suburbs.
 - 61 percent of America’s immigrants live in suburban areas;⁷ and
 - Nearly 80 percent of millennial population growth has been outside of cities.⁸
- In July 2020, President Trump unveiled the Preserving Community and Neighborhood Choice rule,⁹ which replaces AFFH.
- The new rule broadly defines fair housing as housing that is “affordable, safe, decent, free of unlawful discrimination, and accessible under civil rights laws.”

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- ¹ CBS News, “New York City sees 166% increase in shootings last month compared to August last year,” Sept. 3, 2020, <https://www.cbsnews.com/news/new-york-city-shootings-august-increase-166-percent/>.
- ² Daily Caller, “Portland DA Says Protesters Won’t Be Charged With Harassment, Rioting Under New Policy,” Aug. 12, 2020, <https://dailycaller.com/2020/08/12/portland-protesters-mike-schmidt-no-charges-policy/>.
- ³ Joe Biden campaign website, *The Biden Plan for Investing in Our Communities Through Housing* (last visited Sept. 15, 2020) <https://joebiden.com/housing/#> and the New York Post, *Joe Biden’s Disastrous Plans for America’s Suburbs*, July 21, 2020, <https://nypost.com/2020/07/21/joe-bidens-disastrous-plans-for-americas-suburbs/>.
- ⁴ Federal Register, Affirmatively Furthering Fair Housing, 24 CFR, July 16, 2015.
- ⁵ National Review, “Massive Government Overreach: Obama’s AFFH Rule is Out,” July 8, 2015, <https://www.nationalreview.com/corner/massive-government-overreach-obamas-affh-rule-out-stanley-kurtz/>.
- ⁶ 42 U.S.C. §§ 3601-19 (1968).
- ⁷ Brookings Institute, *Immigrants Continue to Disperse, with Fastest Growth in the Suburbs*, Oct. 29, 2014, <https://www.brookings.edu/research/immigrants-continue-to-disperse-with-fastest-growth-in-the-suburbs/>.
- ⁸ New Geography, “Suburbs and Exurbs Dominate Mid-Decade Millennial Growth,” Jan. 5, 2019, <http://www.newgeography.com/content/006186-suburbs-and-exurbs-dominate-mid-decade-millennial-growth>.
- ⁹ The rule also defines “affirmatively furthering fair housing” to mean any action rationally related to promoting fair housing standards. Housing and Urban Development, <https://www.hud.gov/sites/dfiles/ENF/documents/6228-F-01%20Preserving%20Housing%20and%20Neighborhood%20Choice.pdf>