



## Legislation Text

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**File #:** R-099-20, **Version:** 1

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Affirmatively Furthering Fair Housing  
Office of the Mayor  
Katy Crosby (x1007)

### **Resolution to protect the mandate to Affirmatively Further the goals of the Fair Housing Act; and declaring an emergency.**

WHEREAS, the passage of the Fair Housing Act (FHA) was a landmark civil rights law intended to end discriminatory housing practices, one that Toledo strongly supports; and

WHEREAS, in addition to prohibiting discrimination, the FHA creates a nonnegotiable statutory duty to promote fair housing for the U.S. Department of Housing and Urban Development (HUD). Pursuant to this mandate, HUD must promote both housing choice and integration. This obligation is referred to as “Affirmatively Furthering Fair Housing” (AFFH); and

WHEREAS, HUD’s current regulations reflect this dual obligation to both promote housing choice and pursue integration. Under 24 C.F.R. § 5.152, AFFH means “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics” and “replacing segregated living patterns with truly integrated and balanced living patterns”; and

WHEREAS, HUD recently proposed, on January 7, 2020, to change its regulations regarding AFFH to remove references to integration and segregation and instead focus exclusively on housing choice; and

WHEREAS, HUD’s proposed regulations apparently remove consideration of where housing is available, to instead focus on activities that generally benefit developers and landlords, and that do not relate to housing integration and desegregation; and

WHEREAS, the proposal to remove obligations regarding integration and desegregation will negatively impact cities like Toledo, Ohio, that would otherwise benefit from initiatives to integrate and desegregate based on the Fair Housing Act’s Affirmatively Furthering mandate; and

WHEREAS, HUD’s proposed regulations, ironically, encourage a reduction in activities that could otherwise benefit efforts to Affirmatively Further Fair Housing, such as enforcement of building and rehabilitation codes, energy and water efficiency mandates, wetland and environmental regulations, manufactured-housing regulations and restrictions, construction or rehabilitation permitting and review procedures, and labor requirements; and

WHEREAS, HUD’s current Secretary issued a public statement with the release of the proposed regulations, saying “Mayors know their communities best, so we are empowering them to make housing decisions that meet their unique needs, not a mandate from the federal government.” Toledo and its current

Mayor know that any attempt to draw attention away from building inclusive communities of opportunity will not meet this community's needs; and

WHEREAS, Toledo and other local jurisdictions were benefiting from, and would have continued to benefit from efforts to implement the Affirmatively Furthering Fair Housing mandates that were undertaken during the Obama administration, such as making data analysis on racial disparities more readily available through HUD. The loss of these resources and the efforts that were underway to truly implement the AFFH mandate will harm Toledo and other local jurisdictions; and

WHEREAS, whatever local regulations HUD may adopt, the City of Toledo remains committed to Affirmatively Furthering the goals of the Fair Housing Act through progressive efforts to address real impediments to fair housing choice and foster inclusive communities of opportunity; NOW THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. That the City of Toledo opposes the U.S. Department of Housing and Urban Development's recently proposed regulations on Affirmatively Further Fair Housing.

SECTION 2. That the City of Toledo supports efforts to truly implement the Affirmatively Furthering mandate through both fair housing choice and integration.

SECTION 3. That the City of Toledo supports regulations for the implementation of the Affirmatively Furthering mandate that would encourage local jurisdictions to use data on racial and ethnic disparities and poverty, as HUD had previously proposed.

SECTION 4. That the City of Toledo opposes any efforts to weaken the Affirmatively Furthering mandate.

SECTION 5. That the City of Toledo will remain committed to Affirmatively Furthering the goals of the Fair Housing Act.

SECTION 6. That the City of Toledo will interpret any new regulations that HUD may adopt in light of the language of the Fair Housing Act, and the historic interpretation of the Affirmatively Furthering mandate, to ensure that its implementation in the City's jurisdiction conforms with an accurate understanding of the intentions of the law and a true resolve to Affirmatively Further Fair Housing.

SECTION 7. That this Resolution is declared to be an emergency measure and shall be in force and effect from and after its adoption. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that immediate action is necessary in order to promptly convey the position of Toledo City Council regarding Affirmatively Furthering Fair Housing (AFFH).

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Adopted: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council