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## The Fight for Fair Housing Goes On

AUGUST 24, 2018 BY [ERIN KEMPLE](#)

Earlier this year, the Center joined fair housing advocates across the country in marking the fiftieth anniversary of the Fair Housing Act. Unfortunately, what should have been a year of celebrating progress has turned into a year of fighting to protect central provisions of this landmark civil rights law. It is no exaggeration to say that fair housing is under attack in 2018.

The Fair Housing Act was enacted to do two things: first, to outlaw housing discrimination against individuals, and second, to reverse the effects of decades of discriminatory policies, practices, and institutions that caused extreme racial and economic housing segregation across the country. The second part of the law has been its least-enforced component over the past fifty years.

However, during the Obama era there were several key administrative and legal decisions that had folks in the fair housing world feeling optimistic. In 2013, the U.S. Department of Housing & Urban Development (HUD) issued a [final rule on “disparate impact,”](#) formalizing its interpretation of the Fair Housing Act as “prohibiting practices with an unjustified discriminatory effect, regardless of whether there was an intent to discriminate.” In 2015, the Supreme Court upheld this interpretation in its [Inclusive Communities decision](#). The same year, HUD released its [Affirmatively Furthering Fair Housing \(AFFH\) rule](#) to clarify communities’ obligations to promote integration, as required by that long under-enforced second piece of the FHA. Together, these changes represented the largest step forward on fair housing since the original law’s passage.

Unfortunately, under the new administration, HUD has apparently decided to mark the Fair Housing Act’s anniversary by working to undo nearly all of this progress. In January, the agency announced that it was [suspending communities’ obligation to comply with the AFFH rule](#) for at least two years. In May, there was a double-whammy when HUD announced first that it was [reconsidering the 2013 Disparate Impact rule](#) and second [withdrawing the online tool](#) created to help communities analyze

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segregation and comply with AFFH. Then, just last week, the agency announced plans to further overhaul and weaken the AFFH rule. A lawsuit filed against HUD by a coalition of fair housing advocates, which aimed to stop rollback of the AFFH rule, was dismissed by a federal judge late last week when the judge decided the fair housing groups lacked standing to challenge the rule. (For more, read this excellent summary of recent events by CityLab's Kriston Capps).



Here in Connecticut, one of the most segregated states in the country, we've also had some recent setbacks. In 2017, the legislature voted to weaken the state's affordable housing statute, C.G.S. 8-30g, which requires municipalities to approve affordable housing proposals if less than 10% of their units are affordable and there are no health or safety issues. About 81% of Connecticut municipalities do not meet this modest threshold. The 2017 change makes it easier for these towns to avoid or put off new development. "NIMBY"ism continues to thrive in our state – or at least it feels that way if you attend many local zoning board hearings on affordable housing.

It's hard to find a bright spot in all of this, but fair housing advocates across the country are fighting back. Our movement includes the nation's top legal minds on fair housing and civil rights law. From Washington, DC, to Texas, to New York, to communities across the country and here in Connecticut, we are committed to defending the Fair Housing Act in its entirety, and we won't back down. We will continue fighting in the courts, in state houses across the country and in the halls of the U.S. Capitol. While there have been some recent disappointments in the courts, we've also seen some victories, like [Open Communities Alliance et al vs Carson](#), where a judge ruled that HUD must implement a rule that will increase housing choice for voucher holders. [Senator Cory Booker](#) and [Rep. Maxine Waters](#) have both introduced bills this year to advance fair housing and counter HUD's regressive actions. More journalists are covering fair housing issues, raising public awareness like never before.

I also remain optimistic that we can move forward at the state and local levels. In 2017, under the leadership of CT Department of Housing Commissioner Evonne Klein, the state formed its first-ever Fair Housing Working Group, a bipartisan group of legislators, housing and land use policy experts, fair housing advocates (including me), and developers. In just a few short months, we developed a bill, [HB 5045](#), aimed at requiring towns to develop inclusionary zoning to allow for affordable housing development in order to get state funding. The bill didn't pass this year, but transformative legislation like this almost never passes on the first or second try. The Fair Housing Working Group will continue to push for policies that promote equal access to housing and opportunity.

We're lucky that Connecticut is home to so many incredible fair housing champions: not only the Center (yes, we're tooting our own horn!), but also legislators like Roland Lemar, public officials like Commissioner Klein, other nonprofit advocates like the Open Communities Alliance, the Connecticut Housing Coalition, the [Partnership for Strong Communities](#), the Fair Housing Association of CT, and local organizations fighting for fair housing in their own communities. Across the board, Connecticut's federal elected officials are all fair housing supporters and have championed fair housing in Congress.

During times like these, it's easy to feel powerless. But working together, we can make Connecticut a place where all people have equal access to housing opportunities, free from discrimination.

#### Here are some ways you can fight for fair housing:

- **Become a YIMBY!** (Yes In My Back Yard!): Pay attention to the housing talk in your town. Attend zoning hearings on proposed affordable housing and let your town officials – and your

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**National Fair Housing Alliance**  
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Today, we celebrate the 4th Anniversary of SCOTUS' @ICPMobility ruling to [#ProtectDisparateImpact](#) under the Fair Housing Act. This ruling protects communities and neighborhoods nationwide! Learn more at [nationalfairhousing.org/disparateimpact](http://nationalfairhousing.org/disparateimpact). [#DefendCivilRights](#)



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neighbors – know that you support a variety of housing types in a variety of neighborhoods, and that you welcome all kinds of people.

- **Know your rights** and **report housing discrimination** if it happens to you. Often, a single case can reveal systemic issues that are impacting hundreds or even thousands of other people.
- Do you work for a social service agency or other organization helping clients find housing? **Host a fair housing training** for staff at your organization.
- When considering who to vote for in the next election, find out **candidates' positions on fair housing**-related issues. Watch this blog and the **Partnership for Strong Communities' website** for information on the affordable housing positions of the candidates for governor. The **Connecticut Association of Realtors** also plans to host a gubernatorial debate where housing will be discussed.
- When the 2019 state legislative session opens, **let your state senator and representatives know that you support affordable housing** development in your district. (**Find your legislators here.**)
- While our current federal delegation is supportive of fair housing issues, they're juggling hundreds of different issues at a time. It can't hurt to **write to them** to let them know that you support protecting fair housing rights and federal funding for fair housing enforcement and to thank them for their past support.
- If you live in a city, watch for signs of **gentrification** which creates high-cost housing at the expense of housing for long-term residents and talk with your local elected officials about your concerns. Fight food deserts by advocating for grocery stores with healthy, affordable food.
- **Recent research** reveals that addressing blighted properties and creating small **"pocket parks"** in densely populated areas with high crime rates creates a sense of community, reduces crime, and encourages community investment. Perhaps you can work with your neighbors to create a pocket park in your neighborhood.
- **Donate** to nonprofit advocacy organizations fighting for fair housing. Of course, we'd love it if you would **donate to the Center**, or any of the other organizations mentioned.

As the great Betsy Julian of **Inclusive Communities Project** said in her keynote speech at this year's Loving Award Dinner, **"This work is hard, but we keep going."** Where we live is the foundation of everything else in our lives. It determines where our children will go to school, the kinds of jobs we can get, even the water we drink and the air we breathe. With so much at stake, there's really no choice: we must keep going. Join us.

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Hartford, CT 06106  
(860) 247-4400  
(888) 247-4401 (toll free)  
(860) 247-4236 (fax)  
[info@ctfairhousing.org](mailto:info@ctfairhousing.org)



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