

Vock, Tammy

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**From:** Phyllis frey [global6@msn.com]  
**Sent:** Friday, March 25, 2016 9:43 AM  
**To:** Vock, Tammy  
**Subject:** Request to list an agenda item for April 5th city council meeting

*Hello Tammy,*

*I would like to add an agenda item to the next city council meeting titled:*

**"The Affirmatively Furthering Fair Housing Rule: How it affects your community."**

*I am searching for a request to speak form but am not finding on the site. If I find it before you return my call or email I will submit it.*

*I look forward to hearing from you. Thank you for all that you do.*

**Phyllis Frey  
772-713-0909**

*City of Vero Beach, April 5, 2016*

*On July 8th, 2015 HUD Secretary Julian Castro announced the finalization of the Affordable Furthering Fair Housing Rule. The final rule consists of 377 pages. I have condensed it into a 10-minute presentation with a summary of how it will affect the future development of our community. This council may not yet have been approached by the agencies of AFFH, but you will be.*

*Currently, the local agencies that control land use and zoning laws largely control where you live, the value of your home, and what it will cost to keep it. Right now these factors are controlled by our community and local officials who reflect our living preferences. HUD is about to change that.*

*But first, a little history. The Fair Housing Act of 1968 was created to end community discrimination and segregation. HUD housing grants led that battle. By 2015 the Administration concluded not enough was being done to end America's legacy of housing discrimination and segregation. They concluded that HUD had not been aggressive enough in managing grant money at a local level.*

*The response was for the Administration to introduce a new regulation called Affirmatively Furthering Fair Housing. Under AFFH, if you accept HUD's*

*Community Development Block Grant (CDBG)  
Home Investment Partnerships (HOME)  
Emergency Solutions Grants (ESG) or  
Housing Opportunities for Persons with Aids (HOPA)*

*to assure fair housing compliance, the agencies can control your land use, zoning laws and force you to join a region. Here's how:*

*HUD requires these grant applicants to complete an assessment of fair housing. This involves a house-by-house analysis of data involving race, ethnicity, concentrations of poverty, English proficiency, disabilities and housing.*

*Next you will list community resources such as better schools, jobs, transportation, housing, parks and recreational facilities.*

*Finally, you will itemize any barriers that could make it harder for target groups to access community resources. HUD even provides a list of 40 barriers on contributing factors that must be reduced or eliminated for*

*AFFH. Some are as normal as opposition to affordable housing, current zoning laws, or failure to cooperate with a region. But they expect you to resolve these and to find more.*

*To receive the grant money you must also engage the public in completing your assessment of fair housing. That means civil rights advocates, affordable housing developers, community development organizations, and any interested members of the public must be allowed to participate in finding potential areas of discrimination.*

*Applicants must use HUD's data tables and jurisdictions on regional trending maps to design your plan to remove the barriers and create a balanced and integrated lifestyle. By requiring your community to compare your demographics with those of the region, HUD assures that your zoning plans will conform to the regional zoning plans. This effectively annexes your community with the region.*

*HUD's documentation clearly states quote, "This rule does not impose any land use or zoning laws on any government." End quote. But paragraphs later, the same rule says quote, "HUD will assist recipient to adjust their land use and zoning laws to meet the legal obligations of AFFH." End quote. So, while HUD does not personally affect your zoning laws, if you take the grant money, they obligate you to impose them.*

*The legal obligation HUD refers to is a statement applicants must sign, quote, "Your jurisdiction agrees to take no action materially inconsistent with its obligation to affirmatively further fair housing. "Under AFFH regulation, your community will lose control of local zoning and land use and you can be forced to join a region whether you want to or not.*

*According to legal analysts, this statement establishes the basis for False Claims Act lawsuits by the Department of Justice or private individuals. Fox Rothschild, LLP, attorneys at law. These lawsuits are growing.*

*When a grant recipient fails to affirmatively further fair housing, HUD can respond with a compliance review, loss of grant money, or lawsuits. Lawsuits can also be initiated by third parties, the very same people that you invited to participate in your community's fair housing assessment.*

*Here's an example. In August of 2015, a developer proposed 69 affordable housing units in Rockford, Illinois. The town council, the county Board and the public decided to build 49 units instead of 69. Shortly after the decision, HUD received a complaint against Rockford for choosing fewer*

*housing units. HUD responded with a compliance review for potential civil rights violations, failure to affirmatively further housing and a threat to refer the case to the DOJ. Public officials reversed the vote.*

*HUD is receiving increasing numbers of third party AFFH-related complaints in NY, DE, IL, LA, WI and CA, where lawsuits are forcing communities into line, also in Westchester County, NY, the Texas Department of Housing, Oyster Bay and Nassau County, NY. The list goes on.*

*After thoroughly reviewing HUD's agreement, offices of Dudley County, CO noted HUD's assessment of the Fair Housing tool would quote "negate the county's rights and severely hamper our ability to manage local affairs." End quote.*

*The court in Westchester County, NY offered a solution. They agreed that applicants for federal grants read and understand their obligations before signing the agreement. Therefore, the court decided, if a party objects to a condition upon receipt of federal funding, its only recourse is to decline the funds. Under AFFH ruling, the government demand for balanced and integrated living patterns forces communities into regional living, impedes local rule and suppresses community decisions.*

*In closing, it was recently published that Vero Beach has the highest disparity of income in the United States. Nevertheless, we have over 200 charitable organizations. We have Habitat for Humanity that has provided over 600 new or remodeled homes. We have low income housing based upon local decision-making. But HUD will target our community.*

*In 2013 they tried to foist a \$4.25 million HUD housing grant on the Treasure Coast through the 50-year regional plan called Seven 50 promoted by the Treasure Coast Regional Planning Council. Three counties and their cities wisely voted it down. But as TCRPC's Dana Little said at the design charrette, "Phyllis will tell you. The TCRPC never goes away." And he was right. They never do. And neither will HUD. You will be faced with the AFFH rule. I hope this presentation has provided you with information that will be helpful when that time arrives..*

*Thank you for your time.*