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# Local Zoning Decisions Protection Act

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## Background

During the Obama administration, the Department of Housing and Urban Development implemented the Affirmatively Furthering Fair Housing rule (AFFH) for the purposes of creating a framework to manufacture “equitable” socioeconomic outcomes from local zoning decisions that would not otherwise occur in a free market without federal government mandates. President Trump repealed the rule in 2020, but HUD under President Biden re-implemented the rule in 2021, forcing President Trump, via HUD Secretary Scott Turner, to terminate the AFFH rule again just a few weeks ago.

Specifically, the AFFH rulemaking – with its regulatory impact of ~\$27 M/yr. and ~375,918 man-hours/yr. – expands the federal government’s involvement in local zoning by implementing a host of new requirements for HUD funding recipients, including a more stringent certification process, the submission of a 92-question grading tool, analyses of impediments to affirmatively furthering fair housing for targeted groups, and introducing complicated “Equity Plans”.

## Bill Specifics

The bill repeals the following prior AFFH rules, and any substantially similar rules:

- 2023 Biden HUD Proposed Rule: “Affirmatively Furthering Fair Housing” (88 Fed. Reg. 8516; Docket No. FR-6250-P-01)
- 2021 Biden HUD Interim Final Rule: “Restoring Affirmatively Furthering Fair Housing Definitions and Certifications” (86 Fed. Reg. 30779; Docket No. FR-6249-I-01)
- 2015 Obama HUD Final Rule: “Affirmatively Furthering Fair Housing” (80 Fed. Reg. 42272; Docket No. FR-5173-F-04)
- 2015 Obama HUD Notice: relating to the Affirmatively Furthering Fair Housing Assessment Tool (80 Fed. Reg. 81840; Docket No. FR-5173-N-07)

The bill restricts the use of federal funds to implement AFFH rulemaking in the future and seeks to require federal officials to find ways to restore principles of Federalism:

- No Federal funds may be used to design, build, maintain, utilize, or provide access to a federal database of geospatial information on community racial disparities or disparities in access to affordable housing.
- HUD is required to consult with state/local government and public housing agencies to develop recommendations to further the purposes and policies of the Fair Housing Act in ways other than through new federal regulations. This is meant to be a report on the federalism issues within the current public housing regime.