

Feds are working to overrule local zoning ordinances

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By [Randy W. Bright](#)

My concerns about Tulsa's proposed zoning code may all prove to be a moot point.

Recently, the Obama administration and HUD released the Affirmatively Furthering Fair Housing (AFFH) rule, that according to HUD, "the purpose of the proposed rule is to end the deep-rooted pattern of segregation in communities across the country." The rule has the potential to affect virtually all comprehensive plans and zoning codes across the United States.

Last week, New York Post writer Paul Sperry wrote, "A key part of President Obama's legacy will be the fed's unprecedented collection of sensitive data on Americans by race. The government is prying into our most personal information at the most local levels, all for the purpose of 'racial and economic justice.'"

He quoted the director of the Consumer Financial Protection Bureau, Richard Cordray, who had commented on the AFFH rule, saying "We will be better able to identify possible discriminatory patterns."

The rule has the potential for changing the housing makeup of existing communities, and HUD has already sued several communities because they did not provide enough housing for low-income people. One of those communities is Westchester County, New York, where the local government has been placed under court order to build over 700 low-income housing units.

Westchester County Executive Rob Astorino stated, "What they are trying to do is say discrimination and zoning is the same thing..."

This rule appears to be motivated by the place most Americans have chosen to live, but the federal government despises, the suburbs.

In a Brookings Institute commentary co-authored by Alan Berube and Natalie Holmes, it stated, "Although the geographies of poverty and race have both become increasingly suburban in recent decades, it is unclear whether the Proposed Rule, which is primarily intended to address a legacy of race-based housing inequities, will target poverty where it is, and where it is moving."

In HUD's recent press release, it seemed to indicate that the new rule would only apply to HUD recipients. Julian Castro, the HUD Secretary, stated in the release, "As a former mayor, I know firsthand that strong communities are vital to the well-being and prosperity of families. Unfortunately, too many Americans find their dreams limited by where they come from, and a ZIP code should never determine a child's future. This important step will give local leaders the tools they need to provide all Americans with access to safe, affordable housing in communities that are rich with opportunity."

Bear in mind that "affordable" has become a euphemism for "subsidized."

In HUD's Executive Summary, it states, "Many fair housing priorities transcend a grantee's boundaries. Actions to advance these priorities often involve coordination by multiple jurisdictions. The final rule encourages grantees to collaborate on fair housing assessments to advance regional fair housing priorities and goals."

The Brookings Institute article concurs with this. "With the right incentives, however, suburbs could work together regionally and thereby provide poor families with access to a wider spectrum of employment, educational, and service opportunities ... HUD's Proposed Rule promises to better fulfill its statutory obligation to affirmatively further fair housing by addressing a legacy of racial segregation and concentrated poverty in the United States. The rule's efficacy will depend, in large measure, on how successfully it promotes racial and economic integration in America's suburbs..."

In a presentation regarding AFFH, the Fair Housing Council of Oregon stated that the likely areas of impact would be in lending, Section 8 (housing), income and credit requirements, insurance, and zoning and land use (emphasis mine) and the rule would prevent "enacting or implementing land-use rules, ordinances, policies or procedures that restrict or deny housing opportunities or otherwise make housing unavailable or deny dwellings because of (protected classes)" and listed a "zoning ordinance that limits multi-family housing" as a practice that would have a disparate impact.

Trillions have been spent trying to eliminate poverty in America since LBJ's Great Society, and despite all of the social engineering experiments, we still have as much poverty, perhaps more than ever.

Despite that, it is only a matter of time before the federal government begins looking at withholding federal funding if comprehensive plans and zoning codes are not revised to change the social, economic and racial composition of our cities and towns.



Randy W. Bright, AIA, NCARB, is an architect who specializes in church and church-related projects. You may contact him at 918-582-3972, rwbrightchurcharch@sbcglobal.net or www.churcharchitect.net.

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