

## RESOLUTION No. 37359

Authorize City Attorney to appear as *amicus curiae* on an amicus brief in support of the National Fair Housing Alliance in the case of *National Fair Housing Alliance, et al. v. Carson* seeking a preliminary injunction requiring the United States Department of Housing and Urban Development to immediately rescind its order suspending the requirements of the Affirmatively Furthering Fair Housing Rule (Resolution)

WHEREAS, on April 11, 1968—seven days after the assassination of Rev. Dr. Martin Luther King, Jr.—President Lyndon Johnson signed into law Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act (the “Act”).

WHEREAS, while the Act is best known for barring a variety of forms of housing discrimination, the Act also requires the United States Department of Housing and Urban Development (“HUD”) to administer programs and activities relating to housing in a manner that affirmatively furthers the policies of the Act.

WHEREAS, although the requirement for recipients of federal funding to take affirmative action to combat racial segregation and otherwise affirmatively further the fair housing objectives had been part of the Act since the Act’s inception, HUD allowed recipients of federal dollars to largely ignore that duty.

WHEREAS, in 2015, under the Obama administration, HUD promulgated the Affirmatively Furthering Fair Housing Act Rule (the “AFFH Rule”) to address the inadequate enforcement by HUD of the affirmative requirements under the Act.

WHEREAS, the AFFH Rule requires jurisdictions receiving federal dollars to undertake a rigorous process of assessing local fair housing needs and to make concrete plans to address them.

WHEREAS, the Portland Housing Bureau (“PHB”), on behalf of the City, Multnomah County, the City of Gresham and Home Forward, in partnership with the Fair Housing Council of Oregon and other community partners and participants, undertakes the process of complying with the AFFH Rule, including the preparation of the Assessment of Fair Housing (the “AFH”).

WHEREAS, in January 2018, HUD Secretary Ben Carson suspended the AFFH Rule, the practical effect of which is to nullify the AFFH Rule’s requirements until 2024 or 2025 for most jurisdictions.

WHEREAS, notwithstanding HUD’s decision to suspend the AFFH Rule, PHB is in the process of preparing the City’s AFH and intends to fully execute its goals of complying with the AFFH Rules.

WHEREAS, the City has a strong interest in combatting the significant social and economic impacts of racial segregation and other impediments to fair housing.

WHEREAS, The City will benefit from completing a process with national standards that makes comparison to the Fair Housing efforts of other jurisdictions possible.

WHEREAS, the National Fair Housing Alliance (the "NFHA") has brought suit against Secretary Carson and HUD for the suspension of the AFFH Rule.

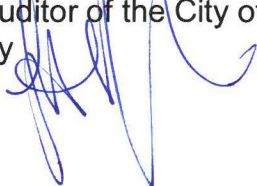
WHEREAS, state and local jurisdictions are filing an *amicus* brief in support of the NFHA suit and are seeking support from multiple states and local governments, including the City.

WHEREAS, it is in the interest of the City to appear as *amicus curiae* to support the suit of the NFHA against the suspension of the AFFH Rule.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Portland, that the City Attorney or her designee, on behalf of the City of Portland, may appear as *amicus curiae* on the amicus brief in the case of *National Fair Housing Alliance, et al. v. Carson*, No. 1:18-cv-01076 (D.D.C. May 8, 2018).

Adopted by the Council: MAY 30 2018

Mayor Ted Wheeler  
Prepared by: Lisa Gramp  
Date Prepared: May 29, 2018

**Mary Hull Caballero**  
Auditor of the City of Portland  
By  Deputy

570 -1  
 Agenda No.  
**RESOLUTION NO. 37359**  
 Title

Authorize City Attorney to appear as *amicus curiae* on an amicus brief to be filed in support of the National Fair Housing Alliance in the case of *National Fair Housing Alliance, et al. v. Carson*, No. 1:18-cv-01076 (D.D.C. May 8, 2018), seeking a preliminary injunction requiring the United States Department of Housing and Urban Development to immediately rescind its order suspending the requirements of the Affirmatively Furthering Fair Housing Rule. (Resolution)

<b>INTRODUCED BY</b> Commissioner/Auditor:	CLERK USE: DATE FILED <u>MAY 29 2018</u>
<b>COMMISSIONER APPROVAL</b>	Mary Hull Caballero Auditor of the City of Portland  By: <u><i>Susan Parsons</i></u> Deputy  <b>ACTION TAKEN:</b>
Mayor—Finance & Administration – Wheeler	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
<b>BUREAU APPROVAL</b>	
Bureau: City Attorney Bureau Head: Tracy Reeve <u><i>[Signature]</i></u>	
Prepared by: Lisa Gramp Date Prepared: May <u>14</u> , 2018 <u>29</u>	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date <u>5/30/18</u> <u>6/6/18</u>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> <b>Start time:</b> _____ <b>Total amount of time needed:</b> <u>5 min</u> (for presentation, testimony and discussion)
<b>CONSENT</b> <u><i>[Signature]</i></u>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed:</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz <u><i>[Signature]</i></u>	✓	
2. Fish	✓	
3. Saltzman <u><i>[Signature]</i></u>	✓	
4. Eudaly <u><i>[Signature]</i></u>	✓	
Wheeler <u><i>[Signature]</i></u>	✓	