

Recommended Regulations to Remove (rev 1.5.17)

HUD RELATED – SUBMITTED TO CONGRESSMAN MARK MEADOWS AND
LEGISLATIVE DIRECTOR GRAHAM HAILE

JOHN ANTHONY 908 347-7097

RECOMMENDED LIST OF REGULATIONS TO REMOVE

Department of Housing and Urban Development

#	RULE	DOCUMENT CITATION OR CODE	EFFECTIVE/PUBLISHED DATE	COST OF RULE	NOTES
	Privacy Act of 1974; Notice of a Computer Matching Program Between the Department of Housing and Urban Development (HUD) and the Department of Treasury	FR-5921-N-18	12/23/2016	Cost not available	<p>ACTION: Recommend this notice be revoked until further review by the current administration for potential misuse.</p> <p>BACKGROUND: HUD intends to match their computers with the Department of Treasury/ Bureau of Fiscal Service/ Do Not Pay Business Center (DNP) using the Shared Access Module (SAM). The purpose of accessing the secured databases is to streamline the determination of parties qualified for procurement; and to verify benefit eligibility for individuals. Theoretically, this can reduce waste, fraud, and abuse.</p> <p>ADVERSE IMPACT: More information is required on: 1. What governing body sets up the access boundaries? 2. Who approves this? 3. What data will each dep't have access to? The Fed Register under CATEGORIES OF RECORDS/INDIVIDUALS INVOLVED STATES: "The data elements supplied by HUD to Treasury (system)</p>

<p>Modernizing HUD’s Consolidated Planning Process To Narrow the Digital Divide and Increase Resilience to Natural Hazards</p>	<p>FR 5891–F–02</p>	<p>12/16/2016</p>	<p>Cost not available</p>	<p>follow, but are not limited to...” What are the limits?</p>
				<p>ACTION: Recommend this rule be removed under Congressional Review Act (CRA).</p>
				<p>BACKGROUND: HUD’s Consolidated Plan is the agency’s direction manual for use by communities that apply for certain HUD grants. (CDBG, HOME, HOPWA, ESG)</p>
				<p>The Consolidated Plan sets the parameters for applicants to follow in their own planning, if they want to receive grant funds.</p>
				<p>This new rule requires applicants to include climate change impact projections in their applications and planning.</p>
				<p>ADVERSE IMPACT: This rule requires applicants to “include resilience to natural hazards” that must account for “how those risks will increase due to climate change,” and address the “impacts of climate change on low- and moderate-income residents.”</p>
				<p>Given that man-made catastrophic climate change is an issue being debated by the incoming administration; it is unwise to add building costs and zoning</p>

requirements that can limit the availability of affordable housing and restrict local land use until the issue is settled.

Using Small Area Fair Market Rents in the Housing Choice Voucher Program	81 FR 80567	11/16/2016	Review Regulatory Impact Analysis (RIA)	<p>ACTION: Recommend this rule be removed under Congressional Review Act (CRA).</p> <p>BACKGROUND: This reg compels HUD families in inner cities to relocate to affluent areas or lose voucher value. This is because the reg resets voucher values by zip code. HUD based this Rule on flawed analysis of HUD’s former Move To Opportunity program.</p> <p>ADVERSE IMPACT: HUD’s historical effects of relocating for ‘upward mobility’ has been to transport crime to the new area, increase food stamp usage, and result in nominal grade improvements.</p>
Floodplain Management and Protection of Wetlands; Minimum Property Standards for Flood Hazard Exposure; Building to the Federal Flood Risk Management Standard	81 FR 74967	10/28/2016	Cost/Benefit Analysis is misleading as it is based on copious estimates, projections, and data from the 2012 “Global Sea Level Rise Scenarios for the United States” report, much of which has been	<p>ACTION: Still in review stage. Recommend Congress remove this rule under CRA and suggest the new President revoke EO 13690.</p> <p>BACKGROUND: This rule operationalizes Pres. Obama’s controversial EO 13690, which arbitrarily extended the footprint of floodplain management to</p>

			contested or disproven. The examples of “lives saved” (benefit) is not correlated to the affected areas of the expanded flood plain management plan.	accommodate Climate Change. ADVERSE IMPACT: The rule imposes hardships on families next to true flood plains in the form of increased housing and insurance costs.
*Equity Assistance Centers (Formerly Desegregation Assistance Centers)	81 FR 46807	7/18/2016	Cost not available	ACTION: Recommend this rule be removed under Congressional Review Act (CRA). BACKGROUND: Equity Assistance Centers operationalize HUD’s 6.8.2016 meeting goal of advancing upward mobility in elementary and secondary schools by implementing socioeconomic diversity programs as described in President obama’s 2017 HUD budget under “Stronger Together.” ADVERSE IMPACT: This program calls for the recasting of school district boundaries and moves toward the regionalization of schools systems marginalizing local school board authority. The program is voluntary initially.
*This is a US Department of Education rule. On 6/8/2016 HUD formed a partnership with USED and DOT for the purposes of advancing “income diversity” in classrooms, using HUD’s Affirmatively Furthering Fair Housing rule as the platform.				
* DEPARTMENT OF EDUCATION Applications for New Awards; Equity Assistance Centers AGENCY: Office of Elementary and	81 FR 46820	7/18/2016		ACTION: Defund BACKGROUND: See “Equity Assistance Centers” 81 FR 46807

<p>Secondary Education, Department of Education.</p>	<p>ACTION: Notice.</p>	<p>*See Equity Assistance Centers above.</p>	<p>ADVERSE IMPACT: The positions applied for attempt to realign school attendance and upskill teachers to address socioeconomic diversity rather than educational needs. The lack of socioeconomic diversity becomes a potential area of discrimination for the school district. This disrupts classroom makeup, distracts the teachers educational efforts, and disrupts children’s education.</p>	
<p>Housing Choice Voucher Program: New Administrative Fee Formula</p>	<p>81 FR 44099</p>	<p>7/6/2016</p>	<p>Cost not available</p>	<p>BACKGROUND: This rule could prove costly and perhaps should be reviewed by the incoming HUD Sec. This may be affected by Congressional proration factors.</p>
<p>Affirmatively Furthering Fair Housing (AFFH)</p>	<p>FR-5173-F-04</p>	<p>7/16/2015</p>	<p>Cost not available</p>	<p>ACTION: This regulation may best be countered legislatively and through the appropriations process.</p> <p>BACKGROUND: AFFH greatly expands definitions of what grant recipients must accomplish to eliminate “discrimination” and to affirmatively further fair housing.</p> <p>ADVERSE IMPACT: Failure of recipients of CDBG, HOPWA, ESG and HOME grants to modify zoning and land use laws to comply with the expanded definitions can result in compliance reviews, loss of funds, civil</p>

<p>Assessment of Fair Housing Tool for Affirmatively Furthering Fair Housing: Notice of Final Approved Document</p>	<p>80 FR 81840</p>	<p>12/31/2015</p>	<p>Cost not available</p>	<p>rights, and False Claims Act law suits, causing recipients to comply, unaware of the long term financial consequences and loss to local autonomy.</p>
				<p>ACTION: This tool may be countered legislatively and through the appropriations process. Also can be revised by the new HUD Sec.</p>
				<p>BACKGROUND: Completion of this AFFH grant application tool requires local jurisdictional alignment of planning with regional plans. This establishes the basis for de facto abrogation of local jurisdictional authority once accepted by HUD.</p>
				<p>ADVERSE IMPACT: The AFFH application process itself encourages ground-level litigation from grassroots advocacy groups working with legal entities to assure local compliance with HUD’s excessive requirements.</p>