

January 13, 2017

Office of the President-Elect Donald J. Trump
Attn: John Bravacos
HUD Landing Team
1800 F Street, NW
Room G1 17
Washington, DC 20510

Dear Mr. Bravacos:

First of all, congratulations to the Trump campaign for a successful victory. This letter from Douglas County, Colorado is in reference to our objection to the Obama administration's interference in local government control and federal overreach, demonstrated through the newest Affirmatively Furthering Fair Housing (AFFH) reporting requirements. These prescriptive AFFH requirements are urban centric, heavy handed, and limit local government control. It will be impossible to administer these outlandish requirements successfully, and will invite the same type of lawsuits we observed in New York and Illinois. Douglas County needs your help to rescind the AFFH requirements as you bring sound and steady governance to Washington DC, allowing local governments to determine their own priorities expressed through individual choice and market forces.

The potential for HUD to dictate changes to our local zoning ordinances and housing development in our community is unwarranted social engineering. The county's concerns are so serious that on June 28, 2016 the Board of County Commissioners voted to decline a Community Development Block Grant (CDBG) allocation from HUD, and opted out of the program entirely. The potential impacts AFFH would have on our ability to provide unfettered services to our residents drove this difficult decision.

For years Douglas County has operated an award winning model CDBG program. Our local policies set standards that consistently exceeded HUDs requirements through citizen participation, and exemplary service to the community. The technical assistance provided by Douglas County helped local organizations increase their capacity and expand services. The county is advocating that we return to an AFFH process that will not add an undue and harsh administrative burden, squelching the autonomy that makes our programs unique and successful. Douglas County is ready and willing to reinstate the CDBG program to provide the services vulnerable residents need with the Trump administrations help in rescinding these requirements.

The Government Accountability Office (GAO) investigated the decades-long mishandling of AFFH in 2010. It was recommended HUD "enhance its fair housing obligations by providing greater clarity and support to jurisdictions receiving HUD funding and facilitate local decision-making on fair housing priorities and goals". The Obama administration over reacted and seized the opportunity to further their social agenda. The administration used HUDs poor performance and lawsuits from advocacy groups to justify implementing a tool to prescribe living patterns. Instead of providing clarity and support to grantees overseeing these programs an onerous set of requirements were

developed in a vacuum with negligible input from the non-urbanized areas of the United States. This ivory tower approach amounts to an unfunded mandate for development patterns that are unachievable outside of dense urban centers.

The AFFH requirements now include a community assessment based on performing statistical analysis and answering a series of static questions. The scope and tone of these questions seem to anticipate community answers that will fail to demonstrate success. This increases the fear that HUD will begin to mandate the construction of low-income housing and supportive infrastructure. Due to the complexities of the assessment, it's unlikely that jurisdictions will have the qualified staff they need, so hiring an outside consultant will be unavoidable. Thus, the AFFH requirements seem onerous and a socially engineered unfunded mandate.

As these requirements are enacted in rural and suburban communities our concern is the results will generate an inaccurate community assessment painting an unfair picture of Douglas County. We believe these ambiguous and highly subjective questions will create a platform for litigation. As in Westchester County, New York, history has demonstrated the intent of the requirements will be determined through the courts. We prefer to dedicate our resources to serving our residents, not fighting frivolous lawsuits.

The Board of County Commissioners fought against this interference for three years through continuous contact with federal, state and local elected officials. We talked with commissioners in adjacent counties, met with the Colorado Attorney General and gave testimony to the House Financial Services Committee. County staff spoke with HUD staff in Denver and officials in Washington DC; all to no avail. Therefore, Douglas County supports the legislative efforts of Senator Mike Lee and Representative Paul Gosar offering bills to improve the AFFH requirements.

We fight because the CDBG program has been beneficial to our residents in need of these services. In Douglas County 16% of our residents are eligible to benefit from CDBG programs. The one-size-fits-all regulations HUD enacted will hamper our efforts to provide services to deserving families because we are not located in a dense urban center where these regulations were actually designed to work. Please help us reestablish this program without the burdensome federal regulations associated with the AFFH.

On behalf of our residents we respectfully request your assistance to repeal the AFFH regulations. Please see the attached white paper with additional information and explanation. Thank you for considering this critical request.

Sincerely,

BOARD OF DOUGLAS COUNTY COMMISSIONERS



Roger A. Partridge, Chair

Attachment: White Paper "Overturning HUD's Affirmatively Furthering Fair Housing Requirements"

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cc: Dr. Ben Carson, Proposed HUD Secretary
Douglas J. DeBord, County Manager
Wendy Holmes, Director of Public Affairs
Terence T. Quinn, AICP, Director of Community Development
Jennifer Eby, AICP, Assistant Director of Community and Resource Services
Tina Dill, Community and Resource Services Manager