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The **Department of Housing and Urban Development** (HUD) Notice: **FR-6187-N-01 White House Council on Eliminating Regulatory Barriers to Affordable Housing; Request for Information**
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Comment: One crucial strategy that is available to State, local, and Federal decision makers (including legislators), to spur State and local governments to eliminate laws, regulations, and practices that restrict the supply of needed housing and make it unaffordable to so many, is summarized below and more fully discussed in my organization's recent, preliminary report (copy attached). We are the Equitable Housing Institute, a national organization dedicated primarily to eliminating regulatory barriers to housing affordability.

The strategy we propose is to promote the creation of statutes that comprehensively ban regulatory barriers to housing affordability ("exclusionary housing practices"), with substantial penalties for violations. The Federal Fair Housing Act already bans exclusionary housing practices that are shown to have an adverse, "disparate impact" on members of a protected minority group. However, that statute is not designed to solve the general problem of regulatory barriers to housing affordability for American society as a whole.

Studies show that since creation of the Federal Fair Housing Act in 1968, racial isolation in housing—notably of African-Americans from whites—has decreased substantially and steadily. By contrast, during the same period, residential isolation of Americans by income level has increased markedly, due to regulatory barriers to housing affordability. We think the Federal Fair Housing Act offers a credible model, in certain ways, for a statute that would effectively ban regulatory barriers to housing affordability generally.

President Trump and all the previous Presidents over the last 30 years are part of the virtual consensus that major reform of land use regulations is needed, in order to combat exclusionary zoning and other regulatory barriers to housing affordability. A comprehensive, statutory ban on those barriers seems necessary, in order to bring about adequate legal reform.

Such a ban could be enacted state-by-state—or even at the Federal level, in our view. A Federal statute on the subject apparently would be authorized under the Commerce Clause of the U.S. Constitution, because regulatory barriers to housing affordability are interfering with interstate commerce and are a significant drag on American economic growth.

For example, recent, landmark economic studies have shown that regulatory barriers to housing affordability in wealthier states are interfering with the ability of Americans elsewhere to become more economically productive, and to access better economic opportunities, by moving to those states.

We urge you to promote an effective, comprehensive ban on regulatory barriers to housing affordability .Thank you for the opportunity to comment on those issues.

Sincerely,

Thomas A. Loftus
President
Equitable Housing Institute
Uploaded File(s)(Optional)

- Toward-comprehensive-ban-EHI-memo-prelim.pdf: **success**

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First Name: Tom
Last Name: Loftus
Organization Name: Equitable Housing Institute

[1/31/2020 6:44 PM]