

115TH CONGRESS
1ST SESSION

S. 103

To nullify certain regulations and notices of the Department of Housing
and Urban Development, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2017

Mr. LEE (for himself and Mr. RUBIO) introduced the following bill; which was
read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

A BILL

To nullify certain regulations and notices of the Department
of Housing and Urban Development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Local Zoning Decisions
5 Protection Act of 2017”.

6 **SEC. 2. NULLIFICATION OF RULES AND NOTICES.**

7 (a) FINAL RULE.—The final rule of the Department
8 of Housing and Urban Development entitled “Affirma-
9 tively Furthering Fair Housing”, published in the Federal
10 Register on July 16, 2015 (80 Fed. Reg. 42272; Docket

1 No. FR–5173–F–04), and any successor rule that is sub-
2 stantially similar to such final rule shall have no force or
3 effect.

4 (b) NOTICE.—The notice of the Department of Hous-
5 ing and Urban Development relating to the Affirmatively
6 Furthering Fair Housing Assessment Tool, published in
7 the Federal Register on December 31, 2015 (80 Fed. Reg.
8 81840; Docket No. FR–5173–N–07), and any successor
9 notice or rule substantially similar to such notice shall
10 have no force or effect.

11 **SEC. 3. PROHIBITION ON USE OF FEDERAL FUNDS.**

12 Notwithstanding any other provision of law, no Fed-
13 eral funds may be used to design, build, maintain, utilize,
14 or provide access to a Federal database of geospatial infor-
15 mation on community racial disparities or disparities in
16 access to affordable housing.

17 **SEC. 4. FEDERALISM CONSULTATION AND REPORT.**

18 (a) IN GENERAL.—The Secretary of Housing and
19 Urban Development shall jointly consult with State offi-
20 cials, local government officials, and officials of public
21 housing agencies to develop recommendations, consistent
22 with applicable rulings of the Supreme Court of the
23 United States, to further the purposes and policies of the
24 Fair Housing Act.

1 (b) CONSULTATION REQUIREMENTS.—In developing
2 the recommendations required under subsection (a), the
3 Secretary shall—

4 (1) provide State officials, local government of-
5 ficials, and officials of public housing agencies with
6 notice and an opportunity to participate in the con-
7 sultation process required under subsection (a);

8 (2) seek to consult with State officials, local
9 government officials, and officials of public housing
10 agencies that represent a broad cross-section of re-
11 gional, economic, and geographic perspectives in the
12 United States;

13 (3) emphasize the importance of collaboration
14 with and among the State officials, local government
15 officials, and officials of public housing agencies;

16 (4) allow for meaningful and timely input by
17 State officials, local government officials, and offi-
18 cials of public housing agencies;

19 (5) promote transparency in the consultation
20 process required under subsection (a); and

21 (6) explore with State officials, local govern-
22 ment officials, and officials of public housing agen-
23 cies whether Federal objectives under the Fair
24 Housing Act can be attained by means other than
25 through new regulations.

1 (c) REPORTS.—

2 (1) IN GENERAL.—Not later than 12 months
 3 after the date of the enactment of this Act, the Sec-
 4 retary shall publish in the Federal Register a draft
 5 report describing the recommendations developed
 6 pursuant to subsection (a).

7 (2) CONSENSUS REQUIREMENT.—The Secretary
 8 may include a recommendation in the draft report
 9 only if consensus has been reached with regard to
 10 the recommendation among the Secretary, the State
 11 officials, local government officials, and officials of
 12 public housing agencies consulted pursuant to sub-
 13 section (a).

14 (3) FAILURE TO REACH CONSENSUS.—If the
 15 Secretary, State officials, local government officials,
 16 and officials of public housing agencies consulted
 17 under subsection (a) fail to reach consensus on a
 18 regulatory proposal, the draft report shall identify
 19 that consensus was not reached and shall describe—

20 (A) the areas and issues with regard to
 21 which consensus was reached;

22 (B) the areas and issues of continuing dis-
 23 agreement that resulted in the failure to reach
 24 consensus; and

1 (C) the reasons for the continuing dis-
 2 agreements.

3 (4) PUBLIC REVIEW AND COMMENT PERIOD.—

4 The Secretary shall make the draft report available
 5 for public review and comment for a period of not
 6 fewer than 180 days.

7 (5) FINAL REPORT.—The Secretary shall, in
 8 consultation with the State officials, local govern-
 9 ment officials, and officials of public housing agen-
 10 cies, address any comments received pursuant to
 11 paragraph (4) and shall prepare a final report de-
 12 scribing the final results of the consultation process
 13 under subsection (a).

14 (d) SUBMISSION OF FINAL REPORT.—Not later than
 15 12 months after the date of enactment of this Act, the
 16 Secretary shall make publicly available online the final re-
 17 port prepared pursuant to subsection (c)(5).

18 (e) DEFINITIONS.—In this Act, the following defini-
 19 tions apply:

20 (1) SECRETARY.—The term “Secretary” means
 21 the Secretary of Housing and Urban Development.

22 (2) LOCAL GOVERNMENT OFFICIAL.—The term
 23 “local government official” means an elected or pro-
 24 fessional official of a local government or an official

1 of a regional or national organization representing
2 local governments or officials.

3 (3) STATE OFFICIAL.—The term “State offi-
4 cial” means an elected or professional official of a
5 State government or an official of a regional or na-
6 tional organization representing State governments
7 or officials.

8 (4) PUBLIC HOUSING AGENCY.—The term
9 “public housing agency” has the meaning given such
10 term in section 3(b) of the United States Housing
11 Act of 1937 (42 U.S.C. 1437a(b)).

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