

114TH CONGRESS  
1ST SESSION

# H. R. 1995

To prohibit the Department of Housing and Urban Development from implementing certain regulations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2015

Mr. GOSAR (for himself, Mr. BABIN, Mrs. BLACKBURN, Mr. BRIDENSTINE, Mr. DESJARLAIS, Mr. DUNCAN of Tennessee, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. GROTHMAN, Mr. LAMALFA, Mrs. LUMMIS, Mr. MASSIE, Mr. MCCLINTOCK, Mr. POE of Texas, Mr. SESSIONS, Mr. WEBER of Texas, Mr. WESTMORELAND, Mr. YOHO, and Mr. FINCHER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit the Department of Housing and Urban Development from implementing certain regulations, 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 and  
5 Property Rights Protection Act of 2015”.

1 **SEC. 2. WITHDRAWAL OF RULES AND NOTICES.**

2 (a) PROPOSED RULE.—Not later than 30 days after  
3 the date of enactment of this Act, the Secretary of Hous-  
4 ing and Urban Development shall withdraw the proposed  
5 rule of the Department of Housing and Urban Develop-  
6 ment described in the notice of proposed rule entitled “Af-  
7 firmatively Furthering Fair Housing”, published in the  
8 Federal Register on July 19, 2013 (78 Fed. Reg. 43710;  
9 Docket No. FR–5173–P–01), any final rule based on such  
10 proposed rule (including the rule having the Regulation  
11 Identifier Number RIN 2501–AD33), and any successor  
12 rule that is substantially similar to such proposed or final  
13 rule.

14 (b) NOTICE.—Not later than 30 days after the date  
15 of enactment of this Act, the Secretary of Housing and  
16 Urban Development shall withdraw the notice of the De-  
17 partment of Housing and Urban Development relating to  
18 the Affirmatively Furthering Fair Housing Assessment  
19 Tool, published in the Federal Register on September 26,  
20 2014 (79 Fed. Reg. 57949; Docket No. FR–5173–N–02),  
21 any proposed or final rule issued pursuant to such notice,  
22 and any successor notice or rule substantially similar to  
23 such notice or proposed or final rule.

24 **SEC. 3. FEDERALISM CONSULTATION AND REPORT.**

25 (a) IN GENERAL.—The Secretary of Housing and  
26 Urban Development shall jointly consult with State offi-

1 cials, local government officials, and officials of public  
2 housing agencies to develop recommendations, consistent  
3 with applicable rulings of the Supreme Court of the  
4 United States, to further the purposes and policies of the  
5 Fair Housing Act.

6 (b) CONSULTATION REQUIREMENTS.—In developing  
7 the recommendations required under subsection (a), the  
8 Secretary shall—

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

13 (2) seek to consult with State officials, local  
14 government officials, and officials of public housing  
15 agencies that represent a broad cross-section of re-  
16 gional, economic, and geographic perspectives in the  
17 United States;

18 (3) emphasize the importance of collaboration  
19 with and among the State officials, local government  
20 officials, and officials of public housing agencies;

21 (4) allow for meaningful and timely input by  
22 State officials, local government officials, and offi-  
23 cials of public housing agencies;

24 (5) promote transparency in the consultation  
25 process required under subsection (a); and

1           (6) explore with State officials, local govern-  
2           ment officials, and officials of public housing agen-  
3           cies whether Federal objectives under the Fair  
4           Housing Act can be attained by means other than  
5           through new regulations.

6           (c) REPORTS.—

7           (1) IN GENERAL.—Not later than 12 months  
8           after the date of the enactment of this Act, the Sec-  
9           retary shall publish in the Federal Register a draft  
10          report describing the recommendations developed  
11          pursuant to subsection (a).

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

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

1 (A) the areas and issues with regard to  
2 which consensus was reached;

3 (B) the areas and issues of continuing dis-  
4 agreement that resulted in the failure to reach  
5 consensus; and

6 (C) the reasons for the continuing dis-  
7 agreements.

8 (4) PUBLIC REVIEW AND COMMENT PERIOD.—  
9 The Secretary shall make the draft report available  
10 for public review and comment for a period of not  
11 fewer than 180 days.

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

19 (d) SUBMISSION OF FINAL REPORT.—Not later than  
20 12 months after the date of enactment of this Act, the  
21 Secretary shall make publicly available online the final re-  
22 port prepared pursuant to subsection (c)(5).

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

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

3           (2) LOCAL GOVERNMENT OFFICIAL.—The term  
4 “local government official” means an elected or pro-  
5 fessional official of a local government or an official  
6 of a regional or national organization representing  
7 local governments or officials.

8           (3) STATE OFFICIAL.—The term “State offi-  
9 cial” means an elected or professional official of a  
10 State government or an official of a regional or na-  
11 tional organization representing State governments  
12 or officials.

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

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