

Dick Spotswood: Will Fair Housing redraw local zoning?

Dick Spotswood writes a twice-weekly column on local politics for the Marin Independent Journal. (IJ photo/Robert Tong)

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Marin's reaction to the Obama administration "Affirmatively Furthering Fair Housing" rule has so-far been mute. It may be that Marinites, reliably Democratic and twice Barack Obama supporters, can't believe that the soon-to-be imposed regulation was meant for them.

The heart of the Department of Housing and Urban Development's 377-page rule is the disparate impact doctrine. It states that even if governmental actions don't intentionally discriminate, if there is statistical deviation from HUD-set "guidelines," there is illegal discrimination.

It follows that since there is less diversity in areas with single-family housing, ipso facto, these locales are discriminatory requiring their zoning change.

The new rule provides that every county and municipality receiving federal funds must maintain precise data on each community's racial and economic makeup. Also in the mix are the concentrations of housing vouchers, the amount of public housing plus public transit data and quality of the town's schools.

The effort is to mandate racial and economic quotas in each ZIP code so that they mimic HUD's ideal model. The agency's spin is that this is nothing new; it's just a codification of existing fair housing laws.

Actually, it's a huge change resulting in federalization of local planning.

HUD's guinea pig was Westchester County, said to be New York City's Marin. There, HUD mandated criteria facilitating more dense housing in predominately white and Asian neighborhoods.

Many thought Marin would be in the bull's-eye after the prosperous New York suburb. Instead, HUD's target is all of American suburbia, a move that takes attention off Marin, at least temporarily.

Marin's racial statistics reveal surprises. The least impacted communities by the new rule may be San Rafael and Novato. They exhibit levels of ethnic and economic diversity that theoretically should satisfy HUD's activist staff. Areas that may face federal demands for high-density housing include West Marin and San Geronimo Valley. Those neighborhoods have concentrations of white residents that rival Ross and Belvedere.

The new rule isn't mostly about race, economic diversity or even environmental concerns. Despite its politically correct "Affirmatively Furthering Fair Housing" tag, the regulation is ultimately about mandating urbanization.

Many planners detest the very concept of suburbia. They dream that housing be concentrated in central cities and suburbs reconfigured to emphasize stack-and-pack apartments along transit lines.

The fact that most Americans prefer single-family homes is irrelevant. That desire certainly isn't racially or economically based. I just returned from the Inland Empire of San Bernardino and Riverside counties.

Cities such as Hesperia, Adelanto and Perris, heavily Latino, are predominantly single-family home communities. Hard-working immigrants yearn for the American dream. Their parents didn't make the dangerous trip across the border to live in a Los Angeles high-rise.

Their vision, like that of most Americans, is for their own patch of land.

That goal has and will continue to inspire generations from all racial and economic backgrounds to success.

It doesn't inspire the mostly white, well-paid planners and bureaucrats who'd gladly destroy suburbia simply because it's not the lifestyle they fantasize.

HUD's rule comes with lots of sticks and few carrots. Regional agencies will pounce on communities not complying with their version of the ideal regulated society. Housing nonprofits, often funded by proceeds from legal actions, will be emboldened when there is the slightest diversion from HUD's racial and economic guidelines.

What is a valid concern and does need addressing is the genuine need to enable a broader section of Americans, what HUD called "protected classes," to enjoy the benefits of traditional suburban living.

Next Sunday, I'll discuss alternative policies providing diversity and green benefits without fundamentally changing suburbia's small-town character.

Columnist Dick Spotswood of Mill Valley writes about local politics on Sundays and Wednesdays in the IJ. Email him at spotswood@comcast.net.