

**A THREAT TO AMERICA'S CHILDREN:  
THE TRUMP ADMINISTRATION'S PROPOSAL  
TO GUT FAIR HOUSING ACCOUNTABILITY**

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**HEARING**

BEFORE THE  
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL  
LIBERTIES

OF THE  
COMMITTEE ON OVERSIGHT AND  
REFORM

HOUSE OF REPRESENTATIVES

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**A THREAT TO AMERICA'S CHILDREN:  
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TO GUT FAIR HOUSING ACCOUNTABILITY**

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**Wednesday, February 5, 2020**

HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES  
COMMITTEE ON OVERSIGHT AND REFORM  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 2:04 p.m., in room 2154, Rayburn House Office Building, Hon. Jamie Raskin, (chairman of the subcommittee) presiding.

Present: Representatives Maloney, Raskin, Maloney, Clay, Wasserman Schultz, Kelly, Gomez, Ocasio-Cortez, Pressley, Haaland, Norton, Sarbanes, Roy, Massie, Meadows, Hice, Cloud, Keller, Miller, Foxx.

Mr. RASKIN. Chairman can declare a recess of the committee at any time.

I now recognize myself for five minutes to give an opening statement, but I want to welcome all of our guests and all of our witnesses today. We really appreciate your coming and everyone who has come to participate and to engage in this proceeding.

We are going to waive on, by unanimous consent, if there is no objection, Congressman Sarbane's, Congressman Gosar, and Congresswoman Foxx.

Without objection, they will all be waived on for purposes of participating in this hearing only and I will now recognize myself for my opening statement. I want to thank you all for coming to the second of the committee's hearings on the Trump Administration's regulatory attack on the welfare of America's children.

Last month, the Department of Housing and Urban Development released a proposed rule that would demolish a meaningful accountability for the Government's progress on Fair Housing and would help trap children in a cycle of poverty, stifling their growth and constricting their mobility and opportunities in life.

The 1968 Fair Housing Act required HUD to, quote, "Affirmatively further Fair Housing and remedy decades of systemic housing discrimination." For decades, the Federal Government engaged in deliberate discrimination to segregate by race and advantage whites over African Americans.

Many people think that residential segregation just happened in America, but it didn't. The Federal Government, along with state and county governments, were integrally involved in the process.

The New Deal and World War II gave birth to the systematic use of redlining as the Federal Government refused to insure mortgage loans in African American neighborhoods. The Federal Housing Administration recommended building you highways to rigidly segregate African Americans from white neighborhoods and from desirable city resources.

The Government financed the construction of entire communities on the condition that the houses built there could not be sold to African Americans and other non-white citizens. So, the 1968 commitment to remedy this disgraceful record was a major and promising policy departure, but a 2010 GAO study found that HUD had added, quote, “only limited value” in terms of eliminating potential impediments to Fair Housing.

The Fair Housing Act’s key provision, therefore, lay essentially dormant for a half century until the Obama Administration moved to enforce it, to desegregate our communities and work toward fair housing.

The Trump Administration now proposes a radical u-turn, choosing to return to the segregationist housing policies that failed The American Dream for 50 years. HUD’s proposed rule eliminates consideration of race or segregation from HUD’s Fair Housing oversight. It eliminates the obligation of local housing authorities to identify and address discriminatory housing patterns. It destroys guaranties for community participation that allow people to engage in formulating the housing policies that shape their own experiences and it prioritizes affordable housing in an isolated and abstract way, rejecting consideration of the quality of the neighborhoods that those affordable houses are in. In short, HUD is proposing to rubber-stamp housing plans without serious accountability and without any eye toward making Fair Housing a serious national priority.

A child’s zip code should not dictate his or her destiny, but studies show that living in high-poverty areas has a lifelong, detrimental effect on a child’s educational and employment prospects and long-term, mental, and physical health. More than 8.5 million children in America, 12 percent of the young people in the country, live in concentrated poverty.

African American and American Indian children are seven times more likely to live in poor neighborhoods than white children and Latinx children are nearly five times more likely.

Reviving The American Dream for everyone requires a deliberate commitment to equity and Fair Housing. President Trump’s abdication of Federal oversight means kids across America are more likely to get trapped in a poverty cycle of the Government’s making.

Congress must push back against this dereliction of duty and I want to remind my colleagues of the promise of all of America’s children. Our dear former Chairman Cummings spoke of the difference that a change in a neighborhood made for his own ability to reach his potential in life. He said that moving to a high-opportunity neighborhood, quote, “Opened my eyes to a better world. I had the opportunity to attend integrated and high-quality public schools, where I was inspired to excel. It is not an exaggeration to say that the housing moves my family made were critical to the tremendous opportunities I have had in my life.”

And many sociologists say that integrated neighborhoods create access to networks of social and economic opportunity, which people may otherwise be deprived of. How many young people who could be inspired, by our largest example, are we failing by abandoning them and refusing our responsibility to ensure that every neighborhood in America is a neighborhood of real opportunity and diversity.

We owe it to America's young people to hold this administration accountable for gutting the first Federal effort in decades, aimed at meaningfully enforcing Fair Housing and reversing decades of deliberate race segregation in how Americans live.

I am now delighted to recognize the ranking member, who today, is Mr. Keller, the gentleman from Pennsylvania. We are delighted to have you sitting in, Mr. Keller.

Mr. KELLER. Thank you, Chairman Raskin, for holding this hearing today. Thank you to the people who are here to testify, members of the testifiers here and also the public, to join us.

We all agree there shouldn't be any conditions in public housing that would pose any kind of disadvantage of rift to residence, including children. I agree that we need to work toward solutions that empower state and local communities to invest in housing choices for all residents at all levels of income.

I am proud that The American Dream is alive and well, thanks to the economic boom under President Trump. Employment is near an all-time low and people across all incomes, education, and skill levels, are able to secure high-paying jobs. Now, we need to use the engine of capitalism to leverage funding to create more affordable housing and choices; after all, housing is part of The American Dream.

Burdensome regulations at state and local levels prevent building affordable housing units. Our local communities need to have a serious debate about how to create housing affordability and choice for all residents.

The Obama Administration role was a burdensome paperwork exercise with no enforcement that would have done nothing to produce actual, affordable housing. Unlike the Obama Administration rule, the Trump rule relies on state and local governments as the driver to identify their own local barriers to housing affordability and propose solutions.

The Trump Administration role recognizes that housing needs in Pennsylvania are different than housing needs elsewhere. It reduces regulatory burdens on communities while still holding local governments accountable for housing affordability. If local government continually fails to affirmatively further Fair Housing, their Federal funding through HUD could be reallocated to communities who are doing a better job of providing affordable housing choices for their citizens.

The Trump Administration role strikes the right balance between affirmatively furthering Fair Housing and allowing local governments to set priorities for their constituents.

Thank you, Chairman, and I yield back.

Mr. RASKIN. I thank the ranking member for his remarks and I want to recognize that we have a new member to the Subcommittee on Civil Rights and Civil Liberties, Representative Deb

Haaland from the First District in New Mexico, and we are delighted to have you with us and look forward to your participation and contribution to the work of our subcommittee.

And with that, I want to recognize the chair of the full committee, Chairwoman Maloney for her opening statement.

Chairwoman Maloney. Thank you.

I want to thank my colleague and friend, Representative Jamie Raskin, chair of the Subcommittee on Civil Rights and Civil Liberties, for convening this important hearing on the proposed affirmatively furthering Fair House Rule that guts Fair Housing accountability.

This is the second in a series of four hearings, examining the negative effects of the Trump Administration's poverty, housing, hunger, and health regulations on children. As I have said before, the Trump Administration is engaged in an attack on children. The administration should be creating economic opportunity and ensuring the health and well-being of our Nation's children, but instead, they have been prioritizing special interests.

It is our job in Congress to protect all children from harmful regulations and ensure they have the resources to reach their full potential. Today, we will examine how the Department of Housing and Urban Development is completely abdicating its duty to promote Fair Housing.

If this rule goes into effect, ongoing housing discrimination and segregation will continue to be swept under the rug and HUD will end up doing far less to reduce segregation and expand housing opportunities for protected groups, further trapping children in concentrated poverty.

In effort to address Fair Housing should actively fight for a long legacy of a discrimination and promote access to opportunity for our children and I yield back.

Mr. RASKIN. Thank you very much, Madam Chair, for those excellent opening remarks.

And I now want to welcome our witnesses. Jorge Andres Soto is the director of public policy at the National Fair Housing Alliance. Thank you for joining us.

Ellen Lee has come all the way from New Orleans, where she's the director of Community and Economic Development for the City. Thank you for joining us, Ms. Lee.

Dr. Megan Sandel is at Children's HealthWatch, the co-lead principal investigator, which is at the Boston Medical Center. Thank you for coming.

Ateira Griffin is the founder and CEO of BOND, Inc.; BOND stands for Building Our Nation's Daughters. Thank you for coming.

And, finally, we have Michael Hendrix from the Manhattan Institute. Thank you for joining us, Mr. Hendrix, as the minority witness.

And with that, each of you is given five minutes.

And I am going to ask to swear you in. If you would stand and raise your right hand, if you would.

[Witnesses sworn.]

Mr. RASKIN. Let the record show that all the witnesses answered in the affirmative.



Thank you, please be seated. Please be sure to speak directly into your microphone.

And, without objection, your written statements will be made part of the official record, and you are limited to five minutes, but then, of course, we will be following up with questions and I know that the members have a lot to talk to you, about.

With that, Mr. Soto, you are now recognized to give an oral presentation.

**STATEMENT OF JORGE ANDRES SOTO, DIRECTOR OF PUBLIC POLICY, NATIONAL FAIR HOUSING ALLIANCE**

Mr. SOTO. Chairman Raskin, Ranking Member Keller, and the Members of the Subcommittee, my name is Jorge Andres Soto, and I am director of public policy at the National Fair Housing Alliance. Thank you for the opportunity to testify here today and for your engagement on this issue.

Where you live determines the opportunities you and your family will have, the quality of school your children can attend, whether they have safe places to play, whether they are exposed to environmental hazards, whether they have access to healthy food, and other important variables that affect life outcomes.

With the passage of the Fair Housing Act, Congress made a promise that every neighborhood would afford children all of the opportunities that they need to succeed; regrettably, the promises under—that promise is under attack, as the Trump Administration works to undermine the protections under the Act.

HUD's proposed Affirmatively Furthering Fair Housing rule fundamentally undermines and conflicts with the intent and purpose of the Fair Housing Act. It will undoubtedly perpetuate residential segregation, racially concentrated poverty, and the harms to children that result.

Residential segregation and racially concentrated poverty in the United States were, and still are, by design. The forced displacement of American Indians and Westward Expansion policies, the institution of slavery, Jim Crow policies with the segregation of people of color in post-depression public housing, and their exclusion from homeownership programs created by the Home Owners Loan Corporation and the Federal Housing Administration, the proliferation of deed restrictions, restrictive covenants, exclusionary zoning ordinances and redlining, the institutionalization of people with disabilities, and the willful disregard of the Fair Housing Act's AFFH provision, all created the segregation that defines and limits our neighborhoods and communities to this day.

The Federal Government played a consequential role throughout all of this history and the Act's AFFH provision was explicitly written to right those wrongs. It states that recipients of Fair Housing and community development funding must use those dollars in a manner that furthers the Act's policies.

In 1972, the Supreme Court reaffirmed that the Act recognized that where a family lives—where it is allowed to live, is inextricably bound up with better education, better jobs, economic motivation, and good living conditions; however, it was not until 1995, 27 years after the Fair Housing Act was enacted, that HUD adopted the first AFFH rule.

The 1995 rule required jurisdictions to conduct an analysis of impediments to Fair Housing, take steps to overcome those impediments and maintain records about both.

HUD provided little guidance, no actual oversight or accountability measures, and no resources to jurisdictions to ensure that the Federal dollars they use in their neighborhoods were being spent to advance the goals of the Fair Housing Act.

The Government Accountability Office, HUD, local officials, and Fair Housing advocates, alike, agreed that the 1995 rule was a failure.

In 2015, HUD adopted an AFFH rule that addressed all of the weaknesses that GAO identified and it included provisions to ensure that jurisdictions could meaningfully advance their housing goals. The 2015 rule provided a clearer definition of what it means to affirmatively further Fair Housing, an analytical framework for Fair Housing plans, a uniform set of data to inform local analysis, a regular schedule, by which plans were to be conducted, and required a robust community engagement process to ensure that Fair Housing issues could be brought to light and included in Fair Housing plans.

The rule for the first time ever required that Fair Housing goals be incorporated into consolidated plans, PHA plans, and annual progress reports. It also required that plans identify and prioritize Fair Housing goals with metrics and timelines to access programs—progress toward accomplishing those goals.

In diametric contrast, the proposed rule before us eliminates any requirement for jurisdictions to assess local residential patterns of segregation. It does not require a data-driven approach and provides no planning tools to help grantees tackle barriers to Fair Housing. It ignores the intersection between housing and other key indicators of opportunity that exist as a result of housing-and community-development decisions, and it requires no meaningful community engagement to give the public a voice in identifying and prioritizing Fair Housing goals.

Simply put, the proposed rule does not satisfy the requirement of the Fair Housing Act. It would allow jurisdictions to certify compliance with the Act, even if they fail to address discrimination or perpetuate residential segregation and racially concentrated poverty.

This is not a Fair Housing rule; instead, it reflects and endorsement of the segregation and racially concentrated poverty that have produced harmful health, educational, economic, and social outcomes. Our nation's children deserve so much more.

Thank you, I look forward to your questions.

Mr. RASKIN. Mr. Soto, thank you for your admirably cogent and concise presentation there.

Very quickly, when you say, "AFFH" rule, what does that stand for?

Mr. SOTO. Affirmatively Furthering Fair Housing.

It is not a fun phrase.

Mr. RASKIN. Affirmatively Furthering Fair Housing Rule—

Mr. SOTO. Yes.

Mr. RASKIN [continuing]. Because when we say, AFFH, we are talking about the rule which compels the Government to affirmatively further the Fair Housing values.

Mr. SOTO. That is right.

Mr. RASKIN. OK. Very good.

Ms. Lee?

**STATEMENT OF ELLEN LEE, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT, CITY OF NEW ORLEANS**

Ms. LEE. Good afternoon, Chairman Raskin, Ranking Member Keller, Chairwoman Maloney, and Members of the committee. Thank you for the opportunity to testify before you today.

My name is Ellen Lee, and I serve as the director of Community and Economic Development for the city of New Orleans. On behalf of Mayor LaToya Cantrell and the City, I commend your committee's leadership in undertaking this important issue, and we appreciate your willingness to hear about our experience.

The 2015 AFFH regulation provided new and updated guidance, as well as data tools for jurisdictions to use in the production of an assessment of Fair Housing. Because the regulation brought an issuance of new tools and new data, some of which would be different to gather on our own to better inform planning, the New Orleans experience implementing this regulation was overwhelmingly positive.

The benefits of this process were realized in greater efficiencies, better planning and mapping capabilities, and enhanced decision-making for our local government.

The regulatory framework encouraged collaboration with the Housing Authority and other partners, which doubled our planning capacity, while also taking into deeper consideration, the broader range of families being served through both agencies; this partnership reduced redundancies, creating a single plan to address affordable housing investments across a broader income spectrum of need.

The process required not only local data, but local expertise and robust citizen input, and who better experts on the needs of their families and their communities than the people who live there?

Through the data provided, we could take a more comprehensive look at non-entitlement housing funding, tax credits, FHA financing, and even private capital, giving us new insight into our neighborhood makeup.

In 2016, New Orleans' neighborhoods were more racially and socioeconomically segregated than they had been in the past 20 years. This surprising revelation—at least to me it was surprising—helped change our mindset about the investments that we make in housing; that is, it is equally important that we invest in affordable housing as where we invest in affordable housing, that preserving affordable housing is also critically important.

Since receiving HUD-approve of our plan, we have implemented a pilot program for voucher-based families to help them move to neighborhoods of opportunity to better access the services they need.

We have reprioritized our HUD entitlement funds, bringing new rental housing opportunities to some neighborhoods, while incentivizing homeownership in others.

We have also been more intentional in creating strategic partnerships and leveraging HUD funding with additional public assets, such as land and incentives.

We have worked more closely with other city departments to increase non-housing investments in underserved neighborhoods, expanding work force training, health and childcare services into those neighborhoods, sometimes using existing facilities, such as libraries and community centers.

Funding decisions for new housing developments are made, in part, on a proposed developments proximity to transit and other amenities.

The adjustments we have made are consistent with what research tells us about how place matters. Economists have performed statistical analysis of the effective place on interrupting intergenerational poverty.

The infrastructure and fabric of a neighborhood can have a profound impact on multiple generations. Children from low-income families are able to live in resource-rich neighborhoods tend to earn more as adults, are more likely to be college-educated, are less likely to be single parents, and are more likely to live in high-income neighborhoods as adults, themselves. Mayor Cantrell's administration is especially dedicated to making long-term decisions that positively impact today's children, our leaders of tomorrow.

Are you familiar one quarter of New Orleans' renter households include children. Studies demonstrate that housing quality can significantly impact children's health and school performance. Substandard housing conditions are often correlated with respiratory conditions in children, leading to hospitalization, missed school days, and lower school performance.

Besides the physiological effects of hazards on health that lead directly to lower literacy rates, health and learning outcomes for children are also negatively impacted by disruptions associated with frequent moves and often accompany living in substandard housing. The decisions we make today are the tomorrow we build for our children.

I thank you for the opportunity to speak with you today and I am happy to answer questions.

Mr. RASKIN. Thank you very much, Ms. Lee. I appreciate your excellent testimony.

Dr. Sandel?

**STATEMENT OF MEGAN SANDEL, PRINCIPAL INVESTIGATOR,  
CHILDREN'S HEALTHWATCH, MD AT BOSTON MEDICAL CENTER**

Dr. SANDEL. Thank you, Chairman Raskin, Ranking Member Keller, Chairwoman Maloney, and the distinguished Members of House Oversight and Reform Subcommittee on Civil Rights and Civil Liberties. Thank you for inviting me to speak today.

My name is Dr. Megan Sandel. I work at Boston Medical Center and I serve there also as the co-lead principal investigator of Children's HealthWatch and co-direct the Grow Clinic for Children.

Throughout many more than 25 years of clinical practice and research, I have documented the importance of how housing impacts the health and development of children and their families. But I am here today not only as a pediatrician; I brought my 13-year-old daughter, Maeve, with me, because what I want for my patients is the same opportunities that my children currently enjoy.

I want this for all children because the scientific evidences is clear: Children who live in quality, stable, affordable homes in opportunity neighborhoods have better health outcomes than those who do not.

Previous research documents these inequities operate through four pathways: quality, stability, affordability, and location. And those domains operate, predominantly, through things likes segregation, in terms of the short-and long-term health of children in their families.

Current efforts by HUD to weaken the Fair Housing Act by changing the 2017 Affirmatively Furthering Fair Housing Rule, exacerbate these risks across all four domains by increasing segregation, a strong predictor of health inequities.

My testimony today will focus on how clinical experience and research indicate how changes to the rule will negatively impact children and their family's health.

First, let me tell you about a patient of mine. For the purposes of the testimony today, I will call him "Anton." So, I first met Anton when he was two years old, but he had not outgrown his 12-month-old clothes yet; he was diagnosed with failure to thrive, which is a commonly known disease for children that don't grow as expected. He even met the World Health Organization definition of malnutrition for age.

Anton and his family were living in a concentrated poverty neighborhood in Boston. His family were consistently having trouble making ends meet. His mom was working multiple full-time jobs and wasn't able to get a long-term, full-time job, because of lack of childcare.

Anton's mom confided in me, she was not only worried about Anton, but she was worried about his older sister that wasn't doing well in school.

After two years, Anton's family was able to convince a landlord in a suburb outside of Boston, to accept their mobile voucher. His mom gushed to me about the new neighborhood. She said, "My children can now sleep through the night because they are not hearing gunshots. My kids can go to local parks and now be able to play and my daughter is able to do better in school, because she doesn't have to share a textbook."

And so, Anton was then able to enroll in a local preschool because there weren't miles-long waiting lists and then he was able to grow and thrive and eventually be discharged from my clinic.

This is the power that a stable, affordable home in a neighborhood connected to opportunities, can have for kids and their parents to reach their full potential. But, honestly, Anton and his family weren't able to reach that until after two years because of housing discrimination.

We need a stronger rule, not a weaker rule, to make housing opportunities available to all families like Anton's.

The 2015 Affirmatively Furthering Fair Housing rule was specifically designed to strengthen the oversight of agencies in communities. The rule provided evidence-based tools access discrimination and develop concrete implementation plans and a timeline to address those problems.

The current administration's proposal would undermine the effectiveness of the rules by replacing this evidence-based approach with a checkbox system that lacks sufficient detail for accessing discrimination.

As a researcher and a physician, I know the import of accurate measurement. It allows for the diagnosis of problems. It allows for accurate judgments and treatment plans and it allows for measurement of ultimate success.

The Fair Housing Act sought to address deep-rooted inequities, preventing both, individual discrimination in housing and addressing historic patterns of segregation. The health inequities associated with residential segregation have been extensively documented from mortality and education gaps to differential access to green spaces and healthier foods.

Most American metropolitan areas remain moderately and highly segregated with areas of concentrated poverty and fewer opportunities. My own research emphasizes this in the city of Boston. In 2016, we used a tool to assess opportunity in neighborhoods and my colleagues and I found that three-year-old children living in the lowest-opportunity neighborhoods, had a higher prevalence of high blood pressure, a measure of biologic health and stress, than children who lived in higher-opportunity neighborhoods.

As a pediatrician, I can prescribe medical treatments that respond to clinical symptoms, but in the case—the most effective medicine from treating my patients' seasonality found in a pharmacy. What my patients need for a healthier future is a stable, decent, affordable home in a neighborhood of opportunity. We need evidence-based tools to ensure that it is systematically enforced and maintaining those tools are needed for the 2015 rule.

We must actively promote opportunity and not check a box.

Mr. RASKIN. Dr. Sandel, if you could just wrap it up.

Dr. SANDEL. The children from Americans deserve that for their health. Thank you.

Mr. RASKIN. And thank you very much for your testimony.

Ms. Griffin, coming to you.

**STATEMENT OF ATEIRA GRIFFIN, CHIEF EXECUTIVE OFFICER AND FOUNDER, BOND, INC., BUILDING OUR NATION'S DAUGHTERS**

Ms. GRIFFIN. Afternoon, Chairman Raskin, Ranking Member Keller. Thank you for the opportunity to testify today.

Fourteen—the number of times my family moved throughout my childhood, and now I am sure you are asking why. My mother, like every parent in America, was determined to give her children the best that she could afford. They didn't know this would turn into a never-ending request for a safe, affordable, resource-rich neighborhood, taking us across the city of Baltimore, and even as far as Ohio.

Generation upon generations of black and brown families have been left to chase opportunity, due to the Federal Government's failure to keep one simple promise made in 1968—access to Fair Housing.

Fourteen neighborhoods, 10 zip codes, and in each one, I was a different child. My first neighborhood, where my great-grandparents settled was, and still is, considered a black enclave. I remember riding my big wheel down the tree-lined street and playing in the park with my brother.

My school was well-funded, top-rated, and just a short walk away. I excelled in school. I even won a dramatic reading contest.

We were a tight-knit, cheerful, healthy, and thriving community. Black neighborhoods and communities of color can flourish, but how?

Our neighborhood was surrounded by predominantly white neighborhoods in the top, middle portion of the White L, a term coined by Dr. Lawrence Brown, where better health outcomes, transportation, schools, and food access are centered, due to white concentrations of wealth. Our community benefited from decades of investment and white communities only because of our geographic location in the midst of them.

We need intentional investment. By the time I was 6, we were priced out. We moved to what felt like a different world on a block with two abandoned houses and no trees—different neighborhood, different child.

Before, I fell asleep to the rhythmic sound of crickets; now, I fought for sleep through the consistent pop of gunshots.

New rules came with our new neighborhood: no playing outside; come straight home after school; stay away from the windows.

I hated the food. Nothing was fresh. Everything was in a can, a box, or a bag.

I began to struggle with courses, once easy for me. My brother now needed learning supports. My mother was under constant stress, depressed, and showing signs of hypertension. I was diagnosed with asthma, due to pollution and higher heat indexes.

My mother's salary was just high enough to disqualify her from receiving housing support, but low enough to be priced out in neighborhoods with better living conditions.

One summer, as I played with my dolls, our front door was kicked open. I jumped to the other side of the living room and hid behind a chair. A man rushed through the door, then a blue blur a few seconds behind him. They ran through our home and out the backdoor in our kitchen. I can still hear my mother's screams.

No apology, no explanation, or even acknowledgment of what happened. At eight, I learned our family, our neighborhood, our community was invisible, dispensable, and often blamed for its conditions.

We packed up our house and moved in with my grandparents—different child, different neighborhood.

I learned a lot from my grandmother Veronica. She spent 24 years working at the Housing Authority of Baltimore City, pouring over thousands of applications from families for housing. She shared her frustration with the lack of clear Federal frameworks and support to ensure all families could thrive.

Even while battling Stage 4 pancreatic cancer for these families was still urgent for her. I wonder if my grandmother's push to implement measures to disrupt racist housing policies would have moved the needle forward in Baltimore; unfortunately, her battle with cancer and fight for Fair Housing ended in 2002.

I am here to carry my grandmother's legacy further. I give voice to her experiences and those on the ground fighting for solutions to prevent 14 moves in another child's life.

Inequity is baked into our national housing system and can only be changed by reverse engineering the policies propping up the system of oppression across America. We must proactively evaluate how we invest in communities and in whose communities we choose to invest.

It is easy to say these regulations cause too much paperwork or cost too much. Those farthest from the pain have the luxury of philosophizing about it. Today's children and families do not have that luxury. My grandmother died not having that luxury.

I leave you with a variation of the Maasai Tribe greeting for grounding—I hope it will help you make the best decisions for the children and families across America: How are the children when no Fair Housing exists?

Thank you.

Mr. RASKIN. Ms. Griffin, thank you very much, and I want to thank you very much for your very detailed and moving statement, written statement that you presented to us, as well as what you just presented now. Thank you very much.

Mr. Hendrix, you are recognized for five minutes.

**STATEMENT OF MICHAEL HENDRIX, DIRECTOR, STATE AND LOCAL POLICY, MANHATTAN INSTITUTE**

Mr. HENDRIX. Good afternoon, Chairman Raskin, Congressman Keller, and distinguished Members of the Subcommittee on Civil Rights and Civil Liberties. Thank you for inviting me to participate in today's hearing.

My name is Michael Hendrix; I'm the director of state and local policy at the Manhattan Institute, and I, along with other colleagues, seek to advance solutions for the flourishing of America's communities.

My central point today is that America's housing market is neither, free nor fair. This burden often falls hardest on those least able to bear them. I have historically disenfranchised communities, working families trying to make a living in pricey cities, and individuals facing prejudice and poverty.

The result of this is an absence of realistic housing options for millions of Americans that reinforces patterns of discrimination. In 1968, when then-senator, Walter Mondale were speaking in favor of the Fair Housing Act he helped to author, he stated that simply prohibiting discrimination, quote, "Would not overcome the economic problem of those who could not afford to purchase the house of their choice," end quote.

Well while we cannot regulate or legislate the laws of supply and demand, we can help roll back the exclusionary regulations standing in the way of fair and/or free housing choice in this country.



We can do so for minority and low-income Americans, and, indeed, for all Americans.

That is why the Department of Housing and Urban Development's recently proposed AFFH rule is an important step in the right direction. It aims—rightly so—to, quote, “Promote and provide incentives for innovations in the areas of affordable housing supply, access to housing, and improved housing conditions,” end quote, while avoiding one-size-fits-all solutions.

We know that home prices nationwide are rising at twice the rate of incomes and three times the rate of inflation. Renters, meanwhile, have seen their rents rise for the second longest streak since World War II. And as the price of these barriers grow, so does the benefit of lowering them; disproportionately so for America's racial minorities.

Reducing zoning regulations alone is estimated to lower differences in racial segregation between neighborhoods by more than a third. Artificially high housing costs also reduce intergenerational mobility. Parents find it harder than ever to move to be neighborhoods with more opportunity, better schools, less crime, and higher-paying jobs.

Homes near good schools are nearly 2.5 times more expensive than those near underperforming schools and those realities have enormous costs on the life outcomes of children. With the state of housing in America and the reasonably proposed AFFH rule, it is reasonable to ask whether the Fair Housing Act is achieving its goals 5 decades on.

The prior AFFH rule finalized in 2015 under President Barack Obama, in reality, did little to loosen the grip of restrictive housing policies that led to residential segregation and disparate opportunity in the first place. Rather than making housing more affordable and accessible, it was often simply more paperwork for Cities and the consultants, who authored hundreds of pages of toothless assessments; all jurisdictions, no matter their size, shape, status, or capacity, had to complete the same inflexible survey.

This one-size-fits-all requirement covering more than 3,000 jurisdictions, was, in turn, meant to be reviewed by HUD staff that also lacked its own capacity; meanwhile, HUD staff were asserting themselves into local governance through denial letters. Many jurisdictions received far-reaching replies, extending into issues well beyond HUD's expertise, such as transit and education.

We can and must do better to affirmatively further Fair Housing Choice in America. That is why the recently proposed AFFH rule, put forward by Secretary Ben Carson, represents a concrete improvement to his Department's enforcement of the Fair Housing Act.

For instance, it updates and streamlines HUD's report process. It requires jurisdictions to demonstrate concrete progress in furthering for housing and righting the wrongs of redlining. This result-based approach ideally allows for more effective and less-burdensome reporting process for jurisdictions, as well as for HUD, itself.

Simpler requirements should, in practice, not only help jurisdictions better comply with their obligations under the Fair Housing Act, but ensure HUD's scrutiny lands on the worst offenders. And

in turn, HUD funding can be scored to actual progress. Mayors will be able to compete for Federal dollars and national prestige, and ideally, such competition helps spur innovation.

There are more reasons than ever for HUD to empower jurisdictions, to affirmatively further Fair Housing Choice with concrete reforms. Fewer and fewer housing markets depend not only on encountering discrimination, but in removing the barriers to more affordable and available housing for all Americans.

By improving the AFFH rule, HUD is taking an important step in the right direction of upholding this country's commitment to the spirit and the letter of the Fair Housing Act. Thank you.

Mr. RASKIN. Mr. Hendrix, thank you very much for your testimony. We will now go to our five-minute questions.

I am going to begin, and Mr. Soto, let me start with you. Is it fair to say that the new rule would include no requirement that housing officials consider the effects that housing policies adopted by a jurisdiction will have on different groups?

Mr. SOTO. I would say yes.

Mr. RASKIN. And how does the new rule treat public participation, vis-a-vis, what was taking place under the Obama rule?

Mr. SOTO. The proposed new rule essentially relegates any community engagement to the consolidated planning process and its community-engagement requirements.

Mr. RASKIN. Community members will have a reduced voice under the new regulation?

Mr. SOTO. I think that is right.

Mr. RASKIN. Does the new rule deal—require consideration of how a housing plan would affect opportunity for people who live in a particular community?

Mr. SOTO. There is no requirement to do that.

Mr. RASKIN. How does the prior rule and this rule handle HUD oversight?

Mr. SOTO. So, essentially, HUD would receive assessments of Fair Housing, which is the plan that would be conducted by a jurisdiction that would include community engagement. Those plans would essentially be tied to the consolidated planning process and then subsequent reporting requirements in the consolidated planning process would essentially require jurisdictions to say what they were actually doing and the outcomes of their goals in the plans.

Mr. RASKIN. Good.

Ms. Lee, let me ask you this: How did the public-participation requirement and the affected-class analysis requirement under the Obama rule work in New Orleans and was it to your benefit or to your detriment to have those requirements?

Ms. LEE. We believe it was greatly to our benefit. We got perspectives from people living in neighborhoods that we would not have otherwise had, had we not needed to engage them.

Mr. RASKIN. And what about the requirement that you try to consider what the effect would be of a particular plan on different communities?

Ms. LEE. And, absolutely, we always want to strive for outcomes for people and not just outputs, and so having that perspective defi-

nately made us focus more on the “so what” of making our investments in housing.

Mr. RASKIN. And were you able to put to use, the data base that the Obama Administration provided to localities?

Ms. LEE. We would not have been able to produce that locally, but we used it very effectively, and that is how we determined, for example, that there was deeper segregation in New Orleans in 2016 than had been in the past 20 years.

Mr. RASKIN. So, that was useful information that will not now be provided to you?

Ms. LEE. That is correct.

Mr. RASKIN. OK. Dr. Sandel, if this rule goes into effect, what will the consequences be for the health and well-being of children, the kind of children you work with in Boston?

Dr. SANDEL. Yes, I think that what we know is that neighborhood segregation and housing discrimination are bad for kids' health. And so, anything that doesn't change the underlying inequities that we already have, right, like we already see those health disparities playing out on the bodies of kids, now we need to close the disparities and I don't believe this rule will actually accomplish that.

Mr. RASKIN. Very good.

And, Ms. Griffin, I was very moved by your statement and the description of your childhood and growing up.

And a lot of people seem to think that housing patterns are just natural—they just happen that way—but you seem to be arguing that Government plays a real role here in shaping people's experience of how they grow up, their neighborhoods, and so on.

Tell us what you think about the proposed rule that the Trump Administration is offering here.

Ms. GRIFFIN. I think that this rule opens the window for more discrimination and less plans that actually meet the necessary outcomes for people living on the ground, like the removal of or the decrease of community input in actually planning how our communities are going to look and what our community will look like once it is developed, what Fair Housing looks like to us.

It reduces the impact. It reduces the way that we would like our communities to show up. And it reduces our ability to have good outcomes. It reduces good schools.

We would ask for, like, better trees, better schools, better streets. And so, we are starting to create this situation where we are increasing discrimination and decreasing the ability to measure outcome and use data-driven approaches and best practices to inform the way that we create communities.

Mr. RASKIN. Some people think that it really should not be the role of the Federal Government to be advancing Fair Housing.

Ms. GRIFFIN. Uh-huh.

Mr. RASKIN. What is your response to that?

Ms. GRIFFIN. Working with my grandmother and seeing her work in the Housing Authority of Baltimore City, I know that is not the case. She tried to further implement some innovative practices on the city level and they did not move forward because of a lack of Federal support and frameworks.

Mr. RASKIN. All right. Very good.

Well, I will turn now to the ranking member, I think. Are you deferring to Ms. Miller?

Mr. KELLER. Yes.

Mr. RASKIN. OK. Ms. Miller, you are recognized for five minutes.

Mrs. MILLER. Thank you, Chairman Raskin, and thank you to all of you all for being here today.

Housing is an issue that affects all Americans in districts big and small, rural and urban. A lack of housing affects each of our districts and our constituencies.

Unfortunately, over 50 years of Federal Government intervention in the housing market and trillions of dollars spent on ineffective programs, have failed to create the supply necessary to house America's growing population, across all levels of income.

Congress must come together to cut burdensome and generalized Federal regulation, and instead, empower the local communities who know the issues that their towns and cities face, to make the decisions that are best for their own citizens. My community in Southern West Virginia is drastically different from my colleagues of New York City, Los Angeles, or Miami, and, therefore, they have different solutions.

I have been an apartment owner and manager for over 35 years and I know the difficulties that come with management, rent, and tenant concerns. We have all seen time and time again that one size really doesn't fit all.

Let's work together and return this power to those who will be able to do the most good in our United States of America.

Mr. Hendrix, what difficulties do rural communities have when it comes to the housing supply, compared to more urban areas?

Mr. HENDRIX. Thank you, Congressman Miller.

As you said, every locality across America is different and one-size-fits-all solutions from the Federal Government often do not work to address the real problems that America's housing market has.

I would agree with my fellow witness that who better knows than the people who live there, I believe is what was said, for what can be done in, say, a rural area, as much as New Orleans, to provide affordable housing options for every person who lives there.

Mrs. MILLER. Why has a focus on promoting the construction of only low-income housing failed to alleviate the housing crisis across our country?

Mr. HENDRIX. There are a number of regulatory burdens that those who produce new housing face, and those regulatory burdens—whether they are land-use restrictions or fees—apply not only to market-rate private developers, but to those providing affordable or moderate-income or even those providing public housing.

So, unless we reduce the exclusionary rules that stand in the way of providing housing for all Americans, we can't provide more affordable housing in any form.

Mrs. MILLER. So, then, why has apartment construction focused more on higher-income developments, instead of housing for families of all incomes?

Mr. HENDRIX. Often, that is the only way that some apartments can pencil out—in construction costs when it costs hundreds of

thousands of dollars when regulations add hundreds of thousands of dollars onto the costs of the construction of a single apartment unit.

Simply adding a parking requirement to an apartment in San Diego could add \$50,000 to that apartment unit. When that occurs, it is difficult to construct any apartments that are affordable for the common man or woman, and that is a difficulty that we must reconcile ourselves to if we want more affordable housing opportunities for more people.

Mrs. MILLER. Well, I have even found that difference in where I live. The people want to know if the parking is covered or not covered and, here, it is how much does it cost; it is just an entirely different thing.

How will the new Trump Administration rules alleviate some of the burdens on communities and create more housing choice?

Mr. HENDRIX. Ultimately, alleviating the burden standing in the way of Fair Housing Choice is a responsibility that falls on localities and that the states that oversee them. Those localities are ultimately responsible here.

And I believe that a results-based approach to empower those communities to provide more Fair Housing Choice would be both, more effective and more streamlined.

I don't believe that there has been any proof that a small number of HUD officials here in D.C. or an even smaller number scattered around the country, would really know what each and every one of the 3,000 communities that they would be engaging with, would actually need to right the wrongs of redlining.

Mrs. MILLER. Will Federal rent control actually create affordable housing for Americans across all of the demographics?

Mr. HENDRIX. The desire for rent control in many communities—even federally—does come from a real desire for more affordable housing; that is certainly true.

But it is unclear that that will actually create more housing. What most economists of all stripes do conclude is that it will constrict housing supply, not add more housing, and that the housing that is locked down be for incumbent renters and not for newcomers, not for new immigrants.

It will tend to benefit older residents and not younger ones. It will tend to benefit single renters and not families. We can't have that as any sort of a solution for this country, let alone for any city in America.

Mrs. MILLER. Thank you.

I yield back my time.

Mr. RASKIN. Thank you very much, Ms. Miller.

I go now to Ms. Ocasio-Cortez, the vice chair of our subcommittee.

Ms. OCASIO-CORTEZ. Thank you, Mr. Chairman.

Research has clearly communicated that segregated, concentrated poverty has long-term, devastating effects on the health and welfare of our Nation's children.

And when we fail to recognize the disparities in our children's face by virtue of their zip code and by our inability to act, we fail our kids. And for so often—you know, my own life experience, the

zip code that a child is born in determines so much of that child's Destiny.

The Child Opportunity Index is a study that analyzes the neighborhoods across America on the quality of their schools, green spaces, food, air, health insurance—your quality of life—and it ranked neighborhoods from 0 to 100, and a report that was just released this month in January 2020 found that the strongest predictor of child neighborhood opportunity was race and ethnicity—not income, not zip code, not anything else that people pretend it is, but the number-one predictor was a child's—was raises and ethnicity in the predictor of child income; that is across 100 of the largest Metro areas.

The score for neighborhoods where white children live is you 73 out of a 100.

Where Hispanic children is—are, is compared to—that is 33 out of 100.

And for black children, it is 24 out of 100.

This is not a coincidence; housing issues are racial justice issues.

Mr. Soto, from a historical perspective, how did we get to a place of such drastic inequity for children of color?

Mr. SOTO. I think that if you look at the entire history of this country, you'll see that segregation and racially concentrated poverty that results from that was very much by design.

I mentioned earlier the history of segregation—the history of slavery, the history of Jim Crow policies, the way that New Deal and other programs that were intended to increase or create homeownership and also create public housing were all segregated and did not actually open to people of color in any way.

And what you see is if you look around a number of different places across the country and you look at a map of today and you put it over a redlining map that were used by the Home Owners Loan Corporation that were relied upon by the Federal Housing Administration, and by the private market to exclude those neighborhoods and those redlined communities, you'll see that they are very similar from when the Fair Housing Act was passed and forward.

Ms. OCASIO-CORTEZ. Absolutely.

And Ms. Lee, can you share any conclusions that you came to during your city's Fair Housing process, about how segregated, concentrated poverty impacts communities and the children in them.

Ms. LEE. When we were studying or communities and identifying those racially and socioeconomically concentrated areas of poverty, they all overlapped to areas where we had high crime and violence and low-performing public schools. And so, we see the direct correlation there in those low-income areas to the other negative outcomes for children and families.

It really caused us to think differently about how and where we should make investments to support children.

Ms. OCASIO-CORTEZ. Thank you.

And Ms. Griffin, how do these racial dynamics play out on the ground in a community like Baltimore? You know, for so often, people talk about statistics and you know, these disparate outcomes.

But I think a lot of people don't understand what this actually looks like. And I know how it looks in my backyard of the Bronx, but I am interested in your lived experience.

Ms. GRIFFIN. In Baltimore, this plays out. No. 1, a lot of this started out in 1910 with the housing covenants that—with the beginning of redlining in Baltimore City. And so, it started with blocks and they blocked off each block, coloring it a certain color to designate what race could live on that block.

And then, they systematically moved each block together to create neighborhoods clumped by race. So, now you have black neighborhoods, white neighborhoods, Jewish neighborhoods, and immigrant neighborhoods—which was how they categorized it then—living together, which then gave them the ability to see they were going to direct their actual funding.

So, we don't want to invest in black communities. We don't want to invest in immigrant communities. We barely want to invest in Jewish communities. We are going to put all the money into white communities, which meant better schools were developed there. We have better transportation and free transportation in white communities. We also have a higher life expectancy of 80 and above in white communities, where it is barely 60 in black communities. Corner stores, where you cannot even get fresh fruit or vegetables—no good grocery stores, as well.

So, it just shows up in very different ways, in disparate ways in the way that we live and we breathe in our communities versus in white communities.

Ms. OCASIO-CORTEZ. And to be clear, we have never pursued a public policy audacious or bold enough to close or reverse that gap, correct?

Ms. GRIFFIN. Correct.

Ms. OCASIO-CORTEZ. Thank you.

Mr. RASKIN. Thank you very much.

Ms. FOXX, you are recognized for five minutes.

Ms. FOXX. Thank you, Mr. Chairman.

And I want to thank our witnesses for being here today.

Despite having spent trillions of dollars of taxpayer money on housing, it is not secret that America is still facing a critical lack of access to affordable housing—that is certainly true in my district—but a top-down approach favored by the 2015 Obama rule was burdensome on localities, created a massive bureaucracy, and proved to be an ineffective solution to the underlying causes of affordable housing shortages.

And I applaud the Trump Administration for taking steps to address this. It is my belief that we need solutions that reduce—restrictive regulations that reduce the supply of housing, and, instead, allow the free market to flourish.

Mr. Hendrix, what would you recommend the Federal Government do to help local communities with common sense approaches to housing, while avoiding a one-size-fits-all overreach?

Mr. HENDRIX. Thank you, Congresswoman Foxx.

I want to applaud you for supporting the YIMBY Act, which recognizes that there is a tremendous shortage of housing in America. We are underproducing housing by over 7 million homes; that

shortfall cannot be met by the Government. That has to be met by the private sector.

And as the Federal Government, we can provide necessary resources so that localities could have common sense approaches to housing. That means recognizing their own role in the housing shortage and that also means recognizing what they can do to fix that shortage and leveraging the Community Development Block Grant process to do that.

Similar to what AFFH is doing is something that a bipartisan group of those in Congress, both Houses of Congress have agreed on.

Ms. FOXX. Thank you.

Mr. Hendrix, are there reforms that states and localities have been pursuing that we should be encouraging?

Mr. HENDRIX. Absolutely. We see across this country, on both coasts, in the middle of this country—no matter our politics—we see incredible reforms to relegalized housing of all shapes and sizes—California—we see Oregon, we see many other localities allowing for backyard cottages to be developed. We see North Carolina even imposing a 15-day business limit for building permits involving small-family dwellings—and not just single-family homes—duplexes, as well. Those sorts of reforms are what we should be applauding and what we should be encouraging, helping localities learn from one another.

Ms. FOXX. Thank you.

Do you think—you think, I believe, that the private market is able to address affordable housing shortages?

Mr. HENDRIX. I believe that they are not only able, but that they desire to. We see companies even now sprouting up like PadSplit from Georgia that wants to allow people who live in single-family homes to be able to rent out rooms there to create mini apartment buildings in single-family home, residential areas.

Now, maybe not everybody wants that, but if somebody chooses that, we should be able to have the freedom to do it and, unfortunately, you have local laws that stand in the way of that; if persons are not part of the same family, they can't live under a single-family home's roof. Those are the kind of common sense reforms that I think we could make progress on.

Ms. FOXX. Well, in your expert opinion, how would the Trump Administration's rule impact housing for children?

Mr. HENDRIX. Partly what we have heard from everyone on this panel is that by allowing free and Fair Housing Choice, we can allow families and their children to not be stuck in neighborhoods of low opportunity.

And right now, we have high housing costs—all too often, areas of high opportunity—and there is no amount of HUD overreach or forced displacement of individuals that will fix that problem. We must make it more affordable for people to be able to move and move in a neighborhood that they choose to move into.

The Federal Government can play an important role in informing families on where they could move to opportunity, but if they are not lowering the regulatory barriers to introducing more affordable housing, that doesn't do us much good.

Ms. FOXX. Well, I thank you.



I want to give you an example of something that is happening—not in my district, but in a neighboring district, and in a county that I would hope to be able to represent in the future—I was at Western Piedmont Community College a couple of weeks ago and they are planning to build a great big building where they would work on teaching people to do building trades and create affordable housing within those buildings, at least the shells of those, that could then be moved onto lots. And there is a huge shortage of housing in that one county, and so the community college and the private sector entities are working together to come up with ways to solve that.

So, I see those kinds of things happening. I see tiny homes being built and zoning ordinances changes, as you mentioned, to allow those. So, I think a lot is going on and what we need to do is to encourage the innovation that is happening all over the country.

Thank you, Mr. Chairman.

Mr. RASKIN. You bet, Ms. Foxx. Thank you.

And we now come to Representative Norton from the District of Columbia.

Ms. NORTON. Mr. Chairman, this is an important hearing to be held.

We have had success from other equality acts passed; largely, the ones in the 1960's and we remember that for housing, in particular—perhaps more failure, than progress at the time of reconstruction of it, with construction acts, housing was included—Fair Housing was included, but, of course, there was no enforcement mechanism at the time.

But look at the difference between, let's say, the Voting Rights Act—and we are trying to reenact that now—but there is no question that it had an enormous effect on the rights of African Americans to vote, especially in the South.

Or look at the 1964 Civil Rights Act. It was my great honor to enforce the employment discrimination part of that Act, the Equal Employment Opportunity Act. The work force looks very, very different than it looked at the time of that Act.

So, you had two successful Civil Rights Acts, then we come to the Fair Housing Act and tragically, we only got it in the first place, because, remember, we are talking about 1964 Acts.

We finally got to 1968—Fair Housing Act—when there was the great tragedy of the assassination of Martin Luther King, Jr. It had a provision, much like the provision that I enforced under the equal employment laws; it had a provision mandating affirmatively furthering Fair Housing. I take that as the functionally equivalent to affirmative action, which I enforced as a part of the 1964 Equal Employment Opportunity Act.

So, my question—I suppose I should start with Mr. Soto or any of you would be qualified to answer this question has there been any evidence in whatever administration of affirmative action to reaching out in and understanding that the Act means don't just not discriminate but do something to eliminate discrimination. Speak about the affirmative action, whether it has ever occurred and whether it is occurring now.

Mr. SOTO. I can start with that—thank you so much for that question. I think it is important to recognize, you know, that Fair

Housing Act's AFFH provision had never really been meaningfully even regulated until 1995 when there was the first AF, Affirmatively Furthering for Housing rule.

Up until that point, jurisdictions we are not really required to do any form of analysis or assessment of how they would meet the mandates of the Fair Housing Act, and as I mentioned earlier, the 1995 rule didn't actually have any accountability measures in it that would tie the way that jurisdictions would use the community development dollars that they had to the way that they actually spent it and require any sort of outcomes.

So, I would say that there is a long history in which the Government was completely inactive in requiring enforcement and implementation of the AFFH provision.

Ms. GRIFFIN. I would add that in New Orleans, we were required to complete the analysis of impediments to Fair Housing Choice, but that was a very different analysis of those impediments versus an affirmatively furthering Fair Housing and assessment of Fair Housing and what are the actual steps, strategies, and processes, that would be taken to overcome those impediments and create more equal and fair housing access.

Ms. NORTON. The previous administration did have a Fair Housing rule—that is in 2015.

Mr. Soto, or any of you, since then, is there any record of anyone having lost Federal funding because of action or failure to act?

Mr. SOTO. So, I can answer that.

There is no record of that, since the proposed rule was taken and the reasoning behind that is because HUD had a really important understanding that this was a very new thing for jurisdictions to have to undergo and it recognized there the get-go that jurisdictions would need support and they would need to have a series of maybe, back-and-forth, where an AFH might not have met the standards necessary under the rule and under the Act, but, nevertheless, the jurisdictions would be able to improve upon those.

So, the intent behind the rule was to get jurisdictions to start thinking about the ways in which their investments affect opportunity; not to remove funding that would then actually harm the communities that jurisdictions were trying to serve—

Ms. NORTON. So, I don't understand.

So, you don't think there was an intent to remove funding?

Mr. SOTO. I think that it was—it was always an option that HUD could take if jurisdictions chose to not pursue their required—their mandates under the Fair Housing Act.

Ms. NORTON. Thank you very much.

Mr. Chairman, I might add that until an administration—some administration after all the preparatory action you have taken has been done until some guts are put into this Act, because something loses funding, I don't expect anything to happen.

Thank you very much.

Ms. OCASIO-CORTEZ.

[Presiding.] Thank you.

The Chair now recognizes Mr. Keller of Pennsylvania.

Mr. KELLER. Thank you, Madam Chair.

And, again, thank you to the witnesses for being here today.

And as we talk about the Government's role to improve affordable housing and the options and affirmatively further Fair Housing, you know, I want to look back on some firsthand experience I had growing up.

My family in today's standards, had we grown up today, we would have been considered vulnerable or at-risk, because my family struggled to make ends meet and I know there were some—it is not easy for kids to move around a lot. It happened to me. Probably by the time I was 4, I had probably moved a dozen times, so I do understand the challenges facing families and children. I certainly don't understand it as an adult, thankfully, but as a kid, I understood that and I can't imagine how my parents felt having to struggle to provide housing for us.

So, Mr. Hendrix, I guess I just want to ask a couple questions because I am—you know, the experiences that I have are with affordable housing and so forth, but you may be aware of or familiar with certain proposals, such as the Green New Deal for Public Housing Act, which would use grant programs to upgrade housing units into carbon-neutral communities.

Can you speak to the impact this hundred-and-eighty-billion effort would have on the creation of new, affordable housing options and overall economy?

Mr. HENDRIX. Thank you, Congressman Keller.

The Green New Deal would, as you said, commit \$180 billion over 10 years to upgrading the federally administered public housing units; that is, to say, would not necessarily create more housing units, but it would upgrade them.

But I don't believe many have questioned how we would spend \$172,000 per unit to upgrade these units or, let alone, in New York City, for my two units, spend \$230,000 per unit or question where we would how has individuals when we would move them out of public housing units.

According to the plan for New York, we would move people into newly constructed public housing towers and Warehouse people there for up to a decade with, necessarily, no promise of return; meanwhile, spending hundreds of thousands of dollars per unit to, I guess, provide employment. That is one of the biggest selling points for the Green New Deal is provide employment for construction and labor unions.

I think our biggest focusing should be on housing, more housing for more people that is more affordable. That does not do that.

Mr. KELLER. OK. Thank you.

And, alternatively, the Trump Administration's proposed rule on affordable housing aims to reduce burdens for local communities and hold underperforming ones accountable as they address this issue.

From your perspective, how might this policy affect children and families?

Mr. HENDRIX. Well, as my fellow witness stated earlier, for the Fair Housing Act and AFFH, in specific, we have never affirmatively enforced it. We have never—no community has lost funding for excluding individuals for exclusive regulations that have often grounds in racism. We have never affirmatively—we have, generally, affirmatively failed in providing fair housing.

And so, I think that we have tremendous amount of opportunity this time to hold communities to account, but to also make sure there are communities that are reforming and it is not HUD bureaucrats making the choices for localities.

I would trust those in your communities in Pennsylvania more than I do those here in D.C.

Mr. KELLER. Thank you.

And I guess it is just to make a point, I know there are Opportunity Zones across the Nation where investment is being made into the—in the communities that need that investment. So, I think that would also—wouldn't you say that would also be a benefit to attract affordable housing and let the municipalities or local governments sort of decide how to best do the affordable housing?

Mr. HENDRIX. That is right. The Opportunity Zones has, in its name, opportunity, and we need to provide that opportunity for children, for families, for people of all backward, but especially those who have been historically disenfranchised. And if you look at the Opportunity Zones program, it is based on communities working with their states to identify areas of opportunity in low-income census tracts in surrounding neighborhoods and continuing to invest in more housing in those areas is something that the Opportunity Zones enable and together with this new AFFH rule, we can prioritize that sort of investment for more communities.

Mr. KELLER. I appreciate that, and I just appreciate all the opportunity that all Americans are enjoying in this great economy that we have begun to realize over the past few years.

Thank you, and I yield back—oh, excuse me, if I could—I have one thing. I do have some documents, if you don't mind, Madam Chair, to be entered into the record?

Ms. OCASIO-CORTEZ. Without objection.

Mr. KELLER. Thank you.

Ms. OCASIO-CORTEZ. The chair now recognizes Congresswoman Wasserman Schultz of Florida for questioning.

Ms. WASSERMAN SCHULTZ. Thank you, Madam Chair.

Let me just point out for the record that, respectfully, the ranking member is not correct that all—when he says that all Americans have benefited from this robust economy. We have an increasingly widening gulf between people who are doing extremely well and people who are hanging by their fingernails, for lack of a better way to express it.

So, to suggest that we can just whitewash the Federal law on Fair Housing and essentially blanch it from acknowledging that we need to make sure that we are taking care not to allow discrimination based on race and racially concentrated poverty is essential. And that is what we are here to discuss today, because I really want to drill down on what Fair Housing really means and how the Trump Administration's new rule seeks to undermine the effectiveness and do just that, whitewash the legacy of what was landlord mark legislation.

But I just want to clarify some terms first because, you know, this is not a common everyday discussion for most folks. So, Mr. Soto, if you would help us with the difference between Fair Housing and affordable housing.

So, Mr. Soto, if you would help us with the difference between fair housing and affordable housing and, also, why is it essential that HUD have a deliberate focusing on Fair Housing, rather than affordable housing?

Mr. SOTO. So, thank you for that question.

The difference between Fair Housing and affordable housing is really important. You could have affordable housing that is not accessible to people of color, to people with disabilities, to other protected classes. So, the simple—just the mere existence of affordable housing doesn't mean that it is fair, that it is accessible to all.

Ms. WASSERMAN SCHULTZ. And what would make it not accessible?

Mr. SOTO. For example, if you limit the places that it can be present in, if you only try and produce affordable housing in one type of community that doesn't have the community assets that help people succeed in them, and, also, if you only limit investments in ways that only create housing in one place, but don't necessarily help people move to different places that they might be able to choose to, otherwise.

Ms. WASSERMAN SCHULTZ. Is it super easy to place affordable housing anywhere that it might be eligible to place it and if you are someone who qualifies for, "affordable housing" or "Fair Housing," are you freely able to just choose to move anywhere you would like where you could access affordable housing and how does the law impact that?

Mr. SOTO. So, if you look at the usage of vouchers, housing vouchers, what you find is that there is rampant discrimination against people who have the voucher, who are trying to use the voucher in neighborhoods that would be considered neighborhoods of opportunity.

It is critically important to make sure that affordable housing can be accessed to people of color and others that are protected under the Act because of the history of the ways in which our public investments have created neighborhoods and the conditions that they result that result for children and others.

Ms. WASSERMAN SCHULTZ. There is—this proposal restructures the process that was meant to ensure that recipients of Federal funds adhere to the mission of furthering Fair Housing and under the Trump Administration's proposal, HUD would allow grantees to choose 3 Fair Housing goals from a predetermined list of 16 obstacles; 13 of which relate to affordability, rather than Fair Housing.

Mr. Soto, could you first explain how that obstacles analysis differed under the 2015 Obama rule and are there inherent problems with this sort of checklist approach?

Mr. SOTO. I will start off by saying that I think—so, the 2015 rule essentially required jurisdictions to conduct, the assessment tool was a way for jurisdictions to be guided through a process of analyzing different things that may occur in their community.

So, the points were made earlier by a couple of Congresspeople on this committee that not every jurisdiction is the same, not every market has the same needs. And recognizing that, the 2015 AFFH gave jurisdictions a host of different options that they could consider the types of—and how that affected opportunity.

In terms of—and I am sorry, the second part of the question was the current list of the proposal?

Ms. WASSERMAN SCHULTZ. What are the inherent problems in this checklist approach?

Mr. SOTO. So, you know, first of all, like you mentioned, the overwhelming majority of those have nothing to do with access for any of the protected classes under the Fair Housing Act. Beyond that, there is nothing in the proposed rule that compels jurisdictions to fix any of those problems.

Ms. WASSERMAN SCHULTZ. And if I can just jump in, as my time is expiring, essentially—and this is—please let me know if you think this is accurate, it demands no accountability. It does nothing to end the disparity and opportunity in our neighborhoods. It can only be described as yet another attack by the Trump Administration on civil rights, one that will have a detrimental impact on children, on child poverty, housing, hunger, and health.

And, Madam Chair, I will tell you, I am fortunate to represent a district that really has a higher, middle-to-upper-middle class and even wealthier population. I mean, the cold reality is that the chances of locating affordable housing and/or Fair Housing in most places in my district are somewhere between slim and none. I have watched it happen.

And if you further gut—if you gut and further and make it harder than it already is because of the anymore by attitude of far too many people, because there, but for the Grace of God go I, it will be nearly impossible—and it is extremely difficult already for people who are struggling—to find an affordable place to live that is not discriminatory in nature.

And thank you for your indulgence. I yield back the balance of my time.

Ms. OCASIO-CORTEZ. Thank you.

The Chair now recognizes and welcomes to the subcommittee for the first time, Ms. Haaland of New Mexico.

Ms. HAALAND. Thank you, Madam Chair.

And thank you all so much for being here this afternoon.

As a career-long community organizer, I understand the value of ensuring everyone in any community has a chance to participate in our government. My concern, along with my Fair Housing advocates is that this new rule diminishes the level of public participation guaranteed to people seeking to influence Fair Housing in their neighborhoods.

And my first question is for you, Ms. Lee: Whose voices are most likely to be lost in the process, without a robust public participation requirement?

Ms. LEE. It is the voices of those most directly impacted by the discriminatory practices, by the segregated neighborhoods, the neighborhoods that are isolated from opportunity.

Ms. HAALAND. And so, I feel like if those people don't have a representative or an advocate to speak on their behalf, it is basically up to them.

Ms. LEE. They are on their own.

Ms. HAALAND. Yes.

As a practitioner, how did engaging participation, as required in the 2015 regulation, impact the community?

Ms. LEE. I think the community in New Orleans really felt empowered to be participating. We had—we partnered with other Fair Housing advocates and agencies to really get a broad group community stakeholders, and sometimes people don't want to talk to the Government, you know?

Ms. HAALAND. Uh-huh.

Ms. LEE. So, we were able to partner with other advocating organizations to do a couple of things. One, help to break down what was going on into more relatable topics so that people felt more informed.

It is like when people say, it is one thing to say you can come and sit at the table; it is another to provide me with a knife and fork to actually eat and participate in the meal.

Ms. HAALAND. Thank you, Ms. Lee.

Ms. Griffin, do you believe that community members care about their housing situations and if afforded the option would engage with local Governments to provide valuable, direct input into the plans?

Ms. GRIFFIN. Absolutely. And I have seen it happen in Baltimore.

I have been in meetings where there were over 100 residents come because this was when the 2015 rule had been passed before it was taken away in 2018—so, this was 2016—two separate communities, hundreds of members in the room talking to folks who were going to redevelop that community, about the steps that were going to be taken, and they came several times.

So, not only will they come, but they will come and participate and ask questions and inform the process.

Ms. HAALAND. That is excellent.

Ms. Griffin, if the mothers in your program were able to attend a Fair Housing public participation meeting in Baltimore like the one required in the 2015 rule, what would they be asking for in terms of fair housing.

Ms. GRIFFIN. I am so glad you asked that question and so are they. First, they would ask for quality buildings that do not look like military barracks. Second, they listed out that they would like to have a space—because I have asked my mom this before—they would like to have a space, a community that is developed holistically—so, a park.

Investing in the school is a part of the requirement to be able to redevelop this area. Figuring out how to make sure we bring good grocery stores to the area that have fresh produce. Making sure that they also have access to a community center with a pool, a fitness center, community rooms used for classes that have STEAM, language-development, career-development, academic supports.

A transportation upgrade, because transportation is a huge issue when you talk about fair housing and where we locate our people, and making sure that they are not split up in a neighborhood that is underneath of a bridge or through highway development.

And, also, ample street lighting and ensuring that at least 50 percent of the apartments or houses in that area are actually affordable and having an ability to have a rent-to-own program for an on-ramp to homeownership. Because we are not just talking about getting into a house and renting it, we are talking about

ownership and creating generations of wealth within communities who have been locked out of it.

Ms. HAALAND. Absolutely. Thank you so much.

I come from a community warehousing was an afterthought. Native Americans went through eras of assimilation where they were essentially uprooted from their communities and sent somewhere else because the Federal Government felt that they needed to break up their communities.

My mother, as a result, was raised in the Indian camp in Winslow, Arizona, in a boxcar. So, when they assimilated Indians to work on the railroad, they didn't necessarily think about the housing they would have, so they took a group of box cars, lined them up, put a chain link fence around it, and the funny thing is that my mother and her parents, they made that work.

But, continually, communities have been an afterthought; that is evident in your communities, my communities for—and you can ask the descendants of The Long Walk and The Trail of Tears, whether the Federal Government thought about the housing they would have when they got to the other location.

So, I thank you for all the work that you are doing to help people to find a way to have safe and affordable housing for their families. And I just want to say that all citizens have a right to participate in this process and the President's rule effectively silences the very communities that the Fair Housing Act was enacted to protect and that is shameful, in my opinion.

We must push back on the abdication of Fair Housing process and stand up for families' rights to have a voice in their housing community.

And thank you all, again, so much for being here.

Madam Chair, I yield.

Ms. OCASIO-CORTEZ. Thank you.

And the Chair now recognizes Ms. Pressley of Massachusetts.

Ms. PRESSLEY. Thank you, Madam Vice Chair—thanks to you and the chair for convening this fortunate hearing today, and thank you to aware esteemed panelist experts, both, based upon lived experience in areas of study and research.

A special shout-out to Dr. Megan Sandel who is here with us today. She's an esteemed pediatrician at Boston Medical Center, which sits in the heart of my district, the Massachusetts 7th.

Make no mistake about it: Housing is health. Where you live, the air you breathe, the food you eat, how much money you earn, all factor into your long-term health outcomes. This is perhaps no clearer than in my district, the Massachusetts 7th, one of the most diverse and vibrant districts in the country and one of the most unequal.

Travel three miles from back bay to Roxbury, the blackest part of my district, and life expectancy drops 30 years, 3–0.

For most people in this country, your zip code quite literally does determine your Destiny. Black and brown babies born into poverty in Boston are twice as likely to die prematurely than white babies and three times as likely to be hospitalized for asthma.

Last May, I questioned HUD Secretary Carson, who refused to say if safe housing is a human right and that all people in America deserve stable, safe, and affordable housing. He would not even af-



firm, given his former role as a surgeon, that it is a critical determinate of health.

Poverty is not a character flaw; it is a result of failed and often cruel policymaking. As far as I am concerned, this is, how HUD is currently conducting itself, is completely contradictory to its mission, and these proposals are punitive and abusive.

This is child abuse. This is elder abuse. This is abuse, period—par for the course of this administration, where the cruelty is the point.

Ms. Griffin, I want to say that you honor your grandmother, Veronica, very well with your acumen, your grace, and your conviction. I want to commend you for the organizations that you have founded.

And I know you spoke earlier about some of the health disparities and things that you and your family faced, and I was wondering if you could elaborate for the families you serve, have you noticed similar health difficulties to the ones that you and your family experienced?

Ms. GRIFFIN. Yes, I do.

We have quite a few of our moms and daughters who suffer both, sometimes, from asthma, and we also have a lot of moms who are suffering with high blood pressure and also increased waiting—struggles with weight-management, because of the poor and processed food that is in their neighborhoods.

Ms. PRESSLEY. OK. And what about trauma? How do you see trauma manifesting and showing up? I think this is concentrated poverty and given that you—well, anyway, I will let you answer that first.

Ms. GRIFFIN. Yes. So, trauma shows up in so many ways. And in BOND, we actually have an instituted purchase of, like, restorative circle, because we cannot even begin to start to help our moms and daughters process how to have positive relationships and how to move toward economic mobility without facing the trauma they face in their neighborhoods, which includes violence.

When we live in these low-opportunity neighborhoods, unfortunately, we are impacted heavily by violence. Over-policing is another experience of trauma that we often have to help deal with.

Also, rejection, because our moms are struggling every single day to try to provide for your children, and if they are looking for a new house, if they are trying to get another job to help support what they want their girls to have and they are often rejected, that causes that mom to have a dejected, depressed personality.

So, we deal with depression. We deal with low self-esteem in our girls. Just because of the generational impacts of living in poverty and being forced to live in those areas without having access to fair and equitable housing.

Ms. PRESSLEY. That is right.

And that is why the work that you are doing, that is—and the visioning, in partnership with the community is holistic.

Ms. GRIFFIN. Yes.

Ms. PRESSLEY. What we are seeing is really intergenerational trauma, poverty, and poor health outcomes.

Dr. Sandel, you have said before that the best prescription you can give kids in your care is a healthy place to live. Can you ex-

pand on that? How does equitable Fair Housing in a high-opportunity neighborhood compare to the medications you are able to prescribe to your patients.

Dr. SANDEL. Yes. I think one of the things we do is we measure medications for how much money they may save or whether or not they have an impact on health. And what I will tell you is that over and over, you see having that stable, decent, affordable home in a neighborhood of opportunity will do things like reduce severe, morbid obesity. It will affect your hemoglobin A1C and diabetes. It will reduce healthcare costs. It will improve your asthma outcomes, and we have seen that over and over.

Ms. PRESSLEY. Thank you.

Ms. OCASIO-CORTEZ. Thank you.

And the chair now recognizes Mr. Sarbanes of Maryland for five minutes of questioning.

Mr. SARBANES. Thanks very much, Madam Chair, and thank you to the panel. The testimony today is very compelling.

Obviously, Fair Housing and ensuring Fair Housing in this country is a challenge. It is a complicated problem to solve, but the goal in the end is very simple. It is to make sure that every child in this country lives in a safe neighborhood with clean air and clean water and good schools and access to all the basic things that provide kids with full opportunity, which you spoke about, Ms. Griffin, as you described moving through different stages of your life and having to kind of adjust your horizons each step of the way.

You know, the Trump Administration has essentially said that Fair Housing is too expensive, like, we can't do it. He claims that the 2015 rule that we have been speaking about, cost HUD \$3 and a half million to placement—\$3 and a half million to implement—a huge sum.

Not really. That is less than 1 percent of HUD's Fair Housing budget.

The other thing you could compare it to is a GAO report in 2019 that found that just one of the President's trips to Mar-a-Lago cost taxpayers \$3 and a half million. So, the President could pay for this Fair Housing program by skipping just one trip to his private club, but, apparently, it is too expensive to do the right thing in terms of that rule.

Ms. Griffin, you talked about moving through many different zip codes. You are from Baltimore. I am from Baltimore. And we certainly know the challenges that that poses, based on your testimony, and other good work that has been done in research.

You alluded to the fact that your health and your family's health was impacted by these moves and I thought maybe you could elaborate a little bit more on that.

I met, today, with American Forest, which is an organization that is, you know, trying to plant a lot of trees and I asked them about the fact that in a lot of urban areas there is no tree canopy and what the impact of that is, and so the environmental injustice that it represents, and they pulled right out of their folder, a report called "tree equity," which actually details this and, in fact, tied it back to redlining, because they said that the redlining footprint which you talked about, could also be correlated to where you find tree canopy or the essence of it and then all the problems that go

with it, and you opened your testimony by talking about it as, you know, getting on your bike and going down to the park and being surrounded with sort of the greenness of that environment.

So, talk a little bit about the health impacts—physical, for sure—but potentially psychic impacts, mental health impacts that come from having to constantly revise your aspirations and ambitions and limit your horizons because of the housing situation that you are in.

Ms. GRIFFIN. Absolutely. And thank you for also talking about trees. Some people don't understand why trees are so important.

But the health impacts that I experienced and my family experienced, one, I was diagnosed with asthma when I was young, and it was after we moved to a low-opportunity neighborhood, because there were like, few and far in between trees. It was a massive load of housing density, and because of that, the heat index rises and you also have pollution on top of the rising of the heat index, which causes more asthma occurrences in children in areas like that.

In addition to that, I also saw that we all gained weight, so we also were dealing with being borderline obese at certain times, because we were eating highly processed foods and because of the food we were also eating, there was an impact on our education. So, my brother and I started to do poorly in school because we didn't have the right nutrients in our bodies. We were malnourished, essentially.

In addition to that, I know my mother was depressed for many reasons. The fact that we had to live in a neighborhood like that, trying to find a good home, trying to keep her household safe. So, you are thinking about this fight-or-flight mode that people go into when you live in spaces like that on a day-in and day-out basis; it puts you in high stress levels, which causes also, heart conditions and then you have high blood pressure that can also come from that, so hypertension.

And we saw this throughout our family, so not only did my mother have those issues, my grandmother, my grandfather, and then my brother was diagnosed with diabetes, as well. And so, it is just rampant throughout many generations in our family, the health impacts of living in low-opportunity neighborhoods.

Mr. SARBANES. Thanks very much.

I yield back.

Ms. OCASIO-CORTEZ. Thank you.

And, you know, I think as we close out this hearing, we truly would like to thank all of our witnesses for the expertise that you have offered today.

I would be remiss if I didn't address earlier legislation, critique a legislation that I had introduced regarding the Green New Deal for Public Housing, and I would simply like to say that housing is not just an ability to sleep somewhere. It is the ability to be safe, the ability to be healthy.

There are a lot of people—you know, as I go home to my district, there are children that are coughing up blood in their public housing facilities because they are being poisoned by lead and asbestos.

And there are a lot of folks here that will tell us that it is too expensive for them to live their lives justly. It is too expensive for

them—for their buildings to be cleaned. It is too expensive for them to breathe healthy air and drink clean water.

But those are the same folks who are often saying that it is too—that it is, rather, you know, we will pay ourselves back by giving the corporations that are often poisoning our families a tax cut.

And justice has no price tag. I think it is important that we internalize that because the depravity of those conditions, as you had stated so eloquently, Ms. Griffin, we are internalized in our self-worth. When you have black mold on your walls and you go to sleep with a draft because there are holes in your walls, when you are virtually sleeping outside, you start to think that it is because you are less than, but it is just simply untrue.

But our Government has treated and discriminated people as less than and we have never made up for that injustice and it is time that we do that and it will be expensive, but guess what? The cost of that injustice has already been borne by black communities, native communities, and communities of color. So, it is about time that we square that debt.

I'd like to thank, again, our witnesses for their testimony today. Without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair.

In addition, the public comment period for these policy changes will end March 16 and any and all people interested in weighing in publicly have that opportunity.

I'd ask our witnesses to please respond as promptly as you are able to any member questions.

This hearing is now adjourned.

[Whereupon, at 3:39 p.m., the subcommittee was adjourned.]

