

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL FAIR HOUSING ALLIANCE,
et al.,

Plaintiffs,

v.

BENJAMIN S. CARSON, SR., M.D., in his
official capacity as Secretary of Housing and
Urban Development, *et al.*,

Defendants

Civ. Action No. 1:18-cv-01076-BAH

DECLARATION OF KALIMA K. ROSE

1. My name is Kalima Rose. I am over the age of eighteen and competent to make this declaration. I have personal knowledge of the matters set forth herein.
2. I am the Vice President for Strategic Initiatives for PolicyLink. PolicyLink is a 19-year-old non-profit national research and action organization that is focused on advancing racial and economic equity in our Nation. Funded by national major foundations and through contracts with the federal and state governments, it has focused on a wide range of racial justice and economic issues.
3. I have worked for PolicyLink since 1999. During this time, I developed the PolicyLink Equitable Development toolkit, have led national efforts to advance inclusionary housing in cities across the country, and also serve as a national strategist in anti-displacement policy work. I also played a key role at PolicyLink in developing and implementing the Fair Housing and Equity Assessments (“FHEA”), the predecessor to the Affirmative Furthering

Fair Housing Rule (“AFFH Rule”), and supported HUD’s roll-out of the AFFH Rule and Assessment of Fair Housing Process.

4. PolicyLink is deeply versed in utilizing data-driven processes for addressing racial disparities and was already working in communities across the country to develop and implement more effective local fair housing strategy policies that would create better connections to economic opportunities for those living in areas of concentrated poverty.
5. Accordingly, on January 26, 2009, PolicyLink submitted a series of memoranda to President Obama’s transition team with recommendations relating to economic and social equity. These memoranda included recommendations to expand affordable housing and to verify that affordable housing is being built in all communities, not just those with concentrations of poverty, and to increase fair housing enforcement. Attached hereto as Exhibit 1 is a true and correct copy of the January 2009 Memoranda to Xavier de Souza Briggs.
6. In one memoranda, titled “Achieving Equity and Inclusion in America: Leveraging More Affordable Housing into Communities of Opportunity,” PolicyLink recommended that HUD provide training for nonprofit organizations and government officials responsible for developing housing policies, and argued that a “HUD-managed system . . . needs to be integrated with a council of key training groups.” Ex. 1 at 35.
7. PolicyLink also recommended that HUD “develop an approach to technical assistance provision to build capacity.” PolicyLink’s approaches to technical assistance and training would later become key components of the Assessment of Fair Housing required by the AFFH Rule. Ex. 1 at 34.

8. In May 2009, PolicyLink loaned one of its employees, Dwayne Marsh, to HUD so that Mr. Marsh could assist HUD with creating its Sustainable Communities Initiative. Mr. Marsh was appointed as staff with HUD approximately six months thereafter.
9. In October 2010, HUD Secretary Donovan convened a Task Force of top officials at the agency and fair housing experts from outside the agency (the “Fair Housing Task Force”). The Fair Housing Task Force’s purpose was to develop a policy to satisfy the Fair Housing Act’s requirements that would in fact further fair housing and break the pattern of residential segregation and lack of access to opportunity in the United States. The Task Force reviewed the failures of the existing Analysis of Impediments process and developed the data, tools and process that became the new rule.
10. Secretary Donovan invited Angela Glover Blackwell, the founder and CEO of PolicyLink, to participate. Ms. Blackwell’s primary contribution to the taskforce was to advise on development of the new framework for implementing HUD’s fair housing obligations, which it called an “opportunity framework.” This framework was the initial step in the development of the Assessment Tool.
11. The “opportunity framework” is a two-step process built on the concept of “access” to opportunity. The framework first requires data analysis to identify populations of segregated, racially-concentrated poverty, and to evaluate access to “opportunity structures” within the local region. These include consideration of access to quality schools, jobs, transit, healthy food, and clean air. These opportunity structures are considered important components in fair housing, as physical proximity to these important structures dramatically enhances or constrains an individual’s chances of success in life. The opportunity framework’s data

analysis step is intended to identify and measure barriers to access to opportunity in the geographic area of interest.

12. The second step in the “opportunity framework” requires translation of the data analysis into real working plans, including resource allocation, to address the identified disparities. The ultimate goal of the framework is to remediate “opportunity segregation,” *i.e.*, the fact that affordable housing is often physically separated from communities in regions with rich opportunity. In this sense, the opportunity framework provides an analytical tool to guide public policy development and resource allocation.
13. In order to support this framework, HUD’s Office of Policy Development and Research, led by Assistant Secretary Raphael Bostic (now President of the Federal Reserve Bank of Atlanta) spent approximately two years – from 2010 to 2012 – developing an integrated data and mapping system to provide HUD grantees the fair housing and opportunity data applicable to their geographic area.
14. During this time, Mr. Bostic sought input from PolicyLink, as well as some of PolicyLink’s partners. With such data, local governments could follow the Task Force’s opportunity framework – which evolved into HUD’s Assessment Tool – to (1) analyze the obstacles to fair housing in their jurisdiction and (2) develop steps to remedy those obstacles.
15. HUD tested the Assessment Tool and the Fair Housing Task Force’s proposed “opportunity framework” as part of a program named the Sustainable Communities Initiative, which began in 2010. Under the Initiative, HUD awarded Regional Planning Grants to 74 geographically and economically diverse metropolitan municipalities and regions through a competitive process.

16. Regional Planning Grant recipients, including local governments with the region, were required to conduct a regional Fair Housing and Equity Assessment (“FHEA”). The FHEA process included many of the components that were ultimately included in the AFFH Rule and its required Assessment of Fair Housing. FHEA participants also used an early version of the Assessment Tool to guide them as they completed their Assessments. Attached hereto as Exhibit 2 is a true and correct copy of the “Fair Housing and Equity Assessment: Best Practices and Policy Implications” prepared by HUD’s Office of Economic Resilience, which describes the FHEA.
17. Over a period of approximately four years, PolicyLink, under a contract and subcontract with HUD, educated governments and agencies participating in the FHEA program on how to conduct their analysis. PolicyLink provided technical assistance and capacity building support in partnership with HUD officials via in-person Leadership Academies of 10-12 grantees, webinar-based training, one-on-one coaching, peer learning programs, and office hours during which grantees could call and have their questions answered.
18. PolicyLink was also responsible for reviewing draft FHEAs for some of the grantees, and providing them with feedback along with HUD-appointed reviewers.
19. PolicyLink provided support to grantees to assist them with implementing the new process and using the Assessment Tool and grantees had a high rate of success in implementing it, with positive results for their communities.
20. PolicyLink was required to report to HUD on a quarterly basis and to include in its reports what it had learned from reviewing the FHEAs.
21. During this time, HUD catalogued the FHEAs in a database to inform the development of the AFFH Rule and to be used for in-service training. All of these steps helped to prepare HUD

officials to review and critique the Assessments of Fair Housing that would be required of localities receiving HUD funds under the AFFH Rule.

22. PolicyLink also participated in a team comprised of the office of the HUD Secretary, Policy Research and Development, Fair Housing and Equal Opportunity, and the office of Sustainable Housing and Communities to address refinements to the data tool, the provision of technical assistance, and to identify lessons learned from the process to inform the official rule. This working group met from 2011-2014 to develop tools, guidance, and to refine HUD's data tool.
23. In 2014, after HUD proposed the AFFH Rule for notice and comment and as the FHEAs were ongoing, PolicyLink began educating members of the U.S. Congress about the FHEA and the new AFFH Rule. PolicyLink shared information with members of Congress in an effort to prepare them for the new processes and policies to which their jurisdictions would be subject in order to receive HUD housing funding.
24. In 2014 and 2015, PolicyLink and other organizations involved in the FHEA pilot phase submitted reports to and consulted with HUD leadership on the lessons they had learned in the pilots. HUD incorporated these lessons in its refinement of the Assessment of Fair Housing process and produced a detailed training curriculum for localities.
25. Then, after the AFFH Rule was promulgated in July 2015, PolicyLink acted under subcontract with HUD to provide training to HUD jurisdictions on the new Assessment of Fair Housing process and the requirements of the AFFH Rule. Between May 2016 and September 2017, HUD hosted multiple multi-day trainings, for some of which PolicyLink was a trainer.

26. The curriculum for those trainings was refined several times as a result of the feedback that HUD received from program participants. Program participants generally had very positive responses to the trainings, as they were very thorough.
27. In addition to pre-Rule trainings, PolicyLink also played a role in the post-AFFH Rule technical assistance provided by HUD. As part of this technical assistance, which largely mirrored PolicyLink's role during the FHEAs, HUD contractors would (1) coach localities in the use of the Assessment Tool, (2) advise communities on effective methods of community engagement, and (3) critique whether localities' action plans were sufficiently detailed to remedy the impediments identified during the Assessment.
28. In 2016, the first year of the Rule's implementation, PolicyLink provided technical assistance to Kansas City, Missouri, New Orleans, Louisiana, and Buloxi, Mississippi as they went through the Assessment of Fair Housing process.
29. These jurisdictions utilized PolicyLink's experience with the pilots to inform their use of the Assessment Tool, as well as to provide feedback on their draft Assessments of Fair Housing.
30. These efforts paid off, as several localities and regions of the inaugural cohort in 2016 produced exemplary Assessments of Fair Housing.
31. For example, the cities of New Orleans and Philadelphia submitted Assessments that were hailed as models and often cited as an example of the benefits of the AFFH Rule. Attached hereto as Exhibit 3 is a true and correct copy of "AFFH is Sound Policy," published by PolicyLink and identifying other early successes of the AFFH Rule.
32. PolicyLink's communications with HUD became increasingly sporadic, however, with the appointment of a new Secretary at HUD.

33. PolicyLink had been retained under a subcontract with HUD to provide support to jurisdictions preparing Assessments of Fair Housing, but HUD's requests for PolicyLink to provide technical assistance ground to a virtual halt. When a community had questions about compliance with the AFFH Rule, HUD could refer those questions to a number of technical assistance providers which would then directly address the question with the local jurisdiction. But PolicyLink stopped receiving those referrals shortly after the appointment of Secretary Carson.
34. There was no valid reason for HUD to stop deploying on its technical assistance providers, particularly given that HUD had already contracted and budgeted for this work.
35. PolicyLink learned from other similarly situated organizations that PolicyLink was not the only organization to stop receiving assignments from HUD.
36. Based on PolicyLink's interactions with HUD and its experience as a technical assistance and training provider, as well as its contacts with other technical service providers, it appeared that HUD *chose* not to deploy its technical assistance resources and that sufficient resources to meet the technical demand were available, but underutilized.
37. Shortly after HUD suspended the AFFH, on March 6, 2018, PolicyLink led the development and submission of comments to HUD opposing the suspension, which was signed by over 140 civil rights, affordable housing and other organizations. Attached hereto as Exhibit 4 is a true and correct copy of HUD's January 5, 2018 Suspension Notice. Attached hereto as Exhibit 5 is a true and correct copy of the March 6, 2018 Letter to HUD.
38. Despite HUD's repeated attempts to thwart the AFFH Rule and the Assessment of Fair Housing, PolicyLink, as an organization is devoted to promoting racial and economic justice, and continues its efforts to promote fair housing, equity and inclusion.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate. Further, I certify that I am qualified and authorized to file this declaration.

Executed within the United States on June 5, 2018

A handwritten signature in black ink, appearing to read 'Kalima Rose', written over a horizontal line.

Kalima Rose