Author: D. Michael DeRidder
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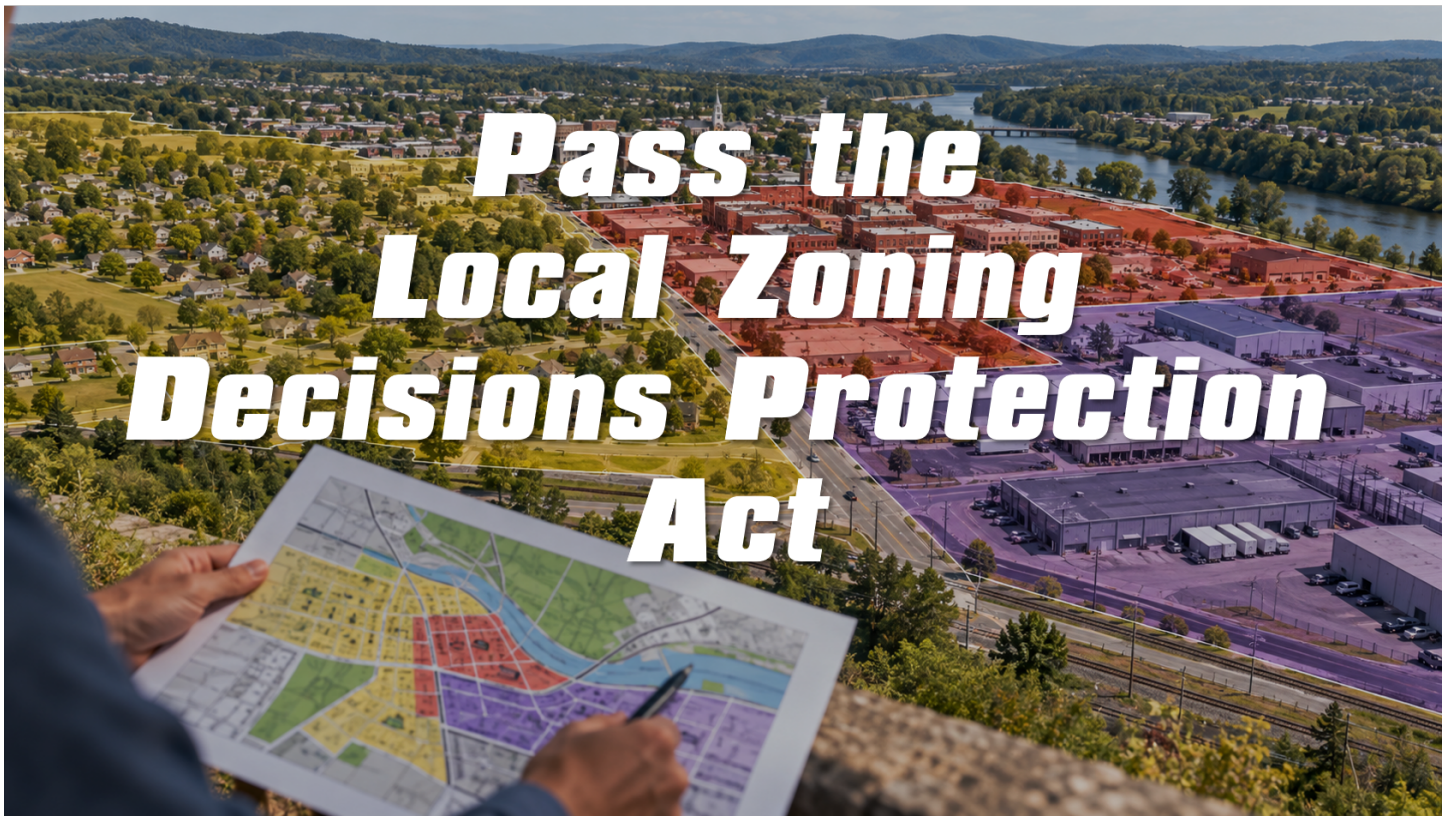

Support H.R. 1769 and S. 1174: Local Zoning Decisions Protection Act

U.S. Representative Paul Gosar (R-Ariz.) has introduced H.R. 1769, the Local Zoning Decisions Protection Act, to permanently block federal Affirmatively Furthering Fair Housing (AFFH) regulations. The Senate companion, S. 1174, was introduced by U.S. Senator Mike Lee (R-Utah). Both bills remain in committee.

The bill would overturn the U.S. Department of Housing and Urban Development's 2015 AFFH final rule, the related assessment tool, the 2021 interim final rule, and the 2023 proposed rule, along with any substantially similar successor rules. It would also prohibit the use of federal funds to design, build, maintain, or operate a nationwide geospatial database that maps neighborhoods by race or access to affordable housing. The Fair Housing Act of 1968 would remain fully intact; H.R. 1769 and S. 1174 would restrict only the later regulatory expansions that converted housing grants into tools for pressuring local zoning decisions.

Gosar stated in a press release:

> Overreaching housing regulations first imposed by Barack Obama and re-upped by Joe Biden have extorted communities into giving up control of local zoning decisions while driving up the cost of affordable housing. By rejecting this intrusive Washington, D.C. mandate, my legislation codifies into law the recent decision by the United States Department of Housing and Urban Development (HUD) to repeal the onerous Obama-Biden rules that have punished neighborhoods for refusing to fall in line with big government's takeover of our communities. Housing decisions are best made at the local level, not by some woke bureaucrat in Washington, D.C.

Under the Obama-era AFFH rule, communities accepting certain HUD funds were required to map neighborhoods by race and income and identify zoning rules — including single-family restrictions on large lots — that limited lower-cost housing. The federal rules represented yet another attack on private-property rights and local control

in service of federal demographic objectives.

Article I, Section 8 of the U.S. Constitution enumerates the specific powers delegated to Congress. Housing, zoning, land use, and the character of local neighborhoods are not among those limited powers. Any effort by Congress or a federal agency to dictate housing policy — including both AFFH and the Fair Housing Act — exceeds the legitimate scope of their authority. Under the 10th Amendment, authority over such matters remains reserved to the states and the people.

Administrative reversals of AFFH have proven temporary. H.R. 1769 and S. 1174 place the prohibition in statute so that a future HUD secretary cannot restore these requirements.

Contact your U.S. representative and senators, and urge them to co-sponsor and support H.R. 1769 and S. 1174.