



State of New Jersey

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August 11, 2020

via online submission

Douglass Hibbard, Chief
United States Department of Justice
Office of the Attorney General
Initial Request Staff, 6th Floor
441 G St, NW
Washington, D.C. 20530-0001

Dear Chief Hibbard:

The Office of the New Jersey Attorney General, the State's chief law enforcement officer, submits this Freedom of Information Act (FOIA) request to obtain records related to President Trump's recent statements that the presence of affordable housing in a community causes its crime rates to increase.

Background

On July 23, 2020, the Department of Housing and Urban Development (HUD) abruptly issued a new rule titled "Preserving Community and Neighborhood Choice," which repeals a 2015 rule adopted to affirmatively further fair housing (the 2015 AFFH Rule) in accordance with the Fair Housing Act (FHA) mandate that HUD programs and activities be administered "in a manner affirmatively to further" the FHA.

Following HUD's announcement, President Trump tweeted, on July 29, 2020: "I am happy to inform all of the people living their Suburban Lifestyle Dream that you will no longer



be bothered or financially hurt by having low income housing built in your neighborhood... Your housing prices will go up based on the market, and crime will go down. I have rescinded the Obama-Biden AFFH Rule. Enjoy!”¹

The two tweets containing this message are reproduced below:



These tweets echoed a similar statement by President Trump earlier in July 2020, when he told supporters that, under the 2015 AFFH Rule, “Your home will go down in value and crime rates will rapidly rise. ... People have worked all their lives to get into a community, and now they’re going to watch it go to hell.”²

The President’s statements were notably devoid of any reference to data to support his claims.³ In fact, publicly available data and studies tell a different story. For example, a recent study in the *Journal of Political Economy* found that housing developments taking advantage of the Low Income Housing Tax Credit (LIHTC) cause “declines in both violent and property crime within low income areas” and “do[] not increase crime in high income areas.”⁴ Another study, from 2015, similarly found that “[p]roducing LIHTC housing in distressed neighborhoods positively impacts the surrounding neighborhood” in terms of “increased safety,” and that

¹ See <https://twitter.com/realDonaldTrump/status/1288509568578777088> and <https://twitter.com/realDonaldTrump/status/128850957223651840>.

² Ashraf Khalil, “HUD Revokes Obama-Era Rule Designed to Diversity the Suburbs,” Associated Press (July 23, 2020), <https://apnews.com/f504f9073e9400aa14e04b2b498843d9>.

³ E.g., Kristen Holmes, “Fact-check: In Repealing Obama-Era Rule, Trump Makes False Claims About Low-Income Housing, Crime and the Suburbs,” CNN.com (Aug. 3, 2020), <https://www.cnn.com/2020/08/03/politics/fact-check-trump-low-income-housing-suburbs-crime/index.html> (There is no evidence or data to back up Trump’s claim that Obama’s AFFH affected home prices and crime rates before President Trump took office.”).

⁴ Rebecca Diamond and Tim McQuade, *Who Wants Affordable Housing in their Backyard? An Equilibrium Analysis of Low Income Property Development*, 127 *J. Pol. Econ.* 1063 (2019).

creating LIHTC housing in “higher opportunity neighborhoods” has “no impacts on crime.”⁵ And a 2013 study of how affordable housing developments affected the suburb of Mount Laurel, New Jersey found that “the opening of affordable housing development was *not* associated with trends in crime, property values, or taxes.”⁶

In light of this information, and given the New Jersey Attorney General’s role as chief law enforcement officer in the State, we are seeking any records that provide a factual basis for the President’s statements.

Requested Records

Please promptly produce all of the following records:

- a. Without date limitation, all research, studies, or data analyses that provided the factual basis for the President’s July 2020 statements regarding the effects of the 2015 AFFH Rule and/or affordable housing on crime rates; and
- b. From January 1, 2020 until the date on which the agency commences its search for responsive records, all e-mails, memoranda, briefings, or any other written communications exchanged between the Department of Justice (DOJ) and the Executive Office of the President that relate to the 2015 AFFH Rule; and
- c. From January 1, 2020 until the date on which the agency commences its search for responsive records, all e-mails, memoranda, briefings, or any other written communications exchanged between DOJ and the Executive Office of the President concerning the impact of affordable housing on crime rates.

Fee Waiver Request

The Office of the New Jersey Attorney General requests a waiver of document search, review, and duplication fees because “disclosure of the [requested] information is in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 28 C.F.R. § 16.10(k). Disclosure “is likely to contribute significantly to public understanding of the operations or activities of the government,” because of the substantial public interest in low-income housing and its effects on crime. 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure also “is not primarily in the commercial interest of the requester.” *Id.* This Office does not have any commercial interest in the requested information; it seeks these records in its capacity as an agency of a State whose residents could be affected by the government operations and activities in question. The Office of the New Jersey Attorney General may make records obtained from this request available to the public at no cost.

⁵ Keri-Nicole Dillman, et al., *The What, Where, and When of Place-Based Housing Policy’s Neighborhood Effects*, 27 Housing Policy Debate 282 (2017).

⁶ Len Albright et al., *Do Affordable Housing Projects Harm Suburban Communities? Crime, Property Values, and Taxes in Mount Laurel, NJ*, 12 City & Community 89 (2013).

If our request for a waiver is denied, the Office of the New Jersey Attorney General is willing to pay all reasonable fees incurred in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring any additional costs.

Contact Information

Please direct any response to this request to the following e-mail address: gov-info@njoag.gov. I appreciate your assistance and look forward to your prompt response.

Sincerely,

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