



Impact of Anti-Fair Housing Amendments to H.R. 2577 and H.R. 2578

In early June, the House of Representatives voted to pass its Transportation and Housing and Urban Development (T-HUD) funding bill (H.R. 2577), and its Commerce, Justice and Science (CJS) appropriations bill (H.R. 2578). Both bills passed with amendments attached that severely limit enforcement and implementation of the Fair Housing Act. The House approved four anti-fair housing amendments, despite bipartisan opposition.

Rep. Steve Stivers’ amendment to T-HUD zeroing out Private Enforcement Initiative (PEI) grants in the Fair Housing Initiative Program (FHIP). PEI grants are the only federal funds available to nonprofit fair housing organizations to enforce the Fair Housing Act in their local housing markets. Using PEI FHIP funding they compete for annually, private fair housing groups investigate over 69% of all annually reported complaints of housing discrimination, and more that double the complaints that local, state, and federal agencies investigate combined. *Without PEI funds, cities and states will have little or no local fair housing enforcement. Victims of housing discrimination will be discouraged from coming forward and exercising their fair housing rights, and they will have fewer advocates to walk them through the complaint process.*

Rep. Paul Gosar’s amendment to T-HUD prohibiting HUD from implementing and enforcing its recently released Affirmatively Furthering Fair Housing (AFFH) rule. Congress, when it passed the Fair Housing Act in 1968, recognized the relationship between where one lives the access one has to good schools, transportation options, and jobs near where one lives, and that entrenched government-sponsored segregation remained a barrier to these opportunities. The Fair Housing Act therefore has always required that HUD, state and local governments, and Public Housing Authorities that choose to receive federal funds administer their housing and community development programs in a way that removes barriers to fair housing. HUD’s new rule provides a process and data to help local governments develop local solutions that address obstacles to opportunity. *Without HUD’s AFFH rule, local governments will be left with ineffective existing guidance on how to meet their fair housing obligations and many communities will continue to lack access to resources that help people succeed in life.*

Rep. Scott Garrett’s amendments to T-HUD and CJS prohibiting HUD and DOJ from enforcing HUD’s disparate impact rule. The Fair Housing Act has a framework to root out plainly intentional discriminatory acts as well as unnecessary policies or practices that have discriminatory outcomes, or a “disparate impact.” In June, the Supreme Court ruled that disparate impact claims can be brought under the Fair Housing Act. HUD’s rule provides a unified standard for how to bring these complaints against unnecessary policies and practices that are facially “neutral” but have discriminatory consequences for people of color, people with disabilities, families with children, and other groups protected under the Fair Housing Act. *Without HUD’s disparate impact rule, these kinds of claims will be increasingly difficult to bring for victims of discrimination, and housing providers will have less clarity about how to comply with the Fair Housing Act.*

For more information, please contact Jorge Andres Soto at jsoto@nationalfairhousing.org.