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LDF Calls on HUD to Maintain Longstanding Civil Rights Enforcement Tool and Ensure Fair Access to Affordable Housing

Today, the Legal Defense Fund (LDF) [submitted a public comment](#) to the U.S. Department of Housing and Urban Development (HUD) in response to the agency's proposal to gut regulations that help ensure lenders, landlords, other housing providers and governmental entities don't maintain unjustified discriminatory policies barring Black communities and other groups from accessing housing.

The letter to HUD opposes the agency's attempt to eliminate its disparate impact regulations under the Fair Housing Act, which provide needed clarity to housing providers, political jurisdictions, and individuals. HUD's proposal comes [after](#) the agency dismissed investigations and consent decrees and rescinded guidance documents addressing disparate impact discrimination. Disparate impact is a long-standing civil rights enforcement tool used to identify the most insidious forms of discrimination in areas such as housing, policing, employment, education, and healthcare.

In 2015, the U.S. Supreme Court held that the Fair Housing Act prohibits disparate impact discrimination in *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.* LDF's comment highlights how disparate impact regulations have helped HUD prevent and challenge unfair tenant screening policies and zoning practices, thwart the use of biased algorithms in housing, and identify policies that expose Black and Latino communities to environmental harms.

Alongside today's letter to HUD, **Demetria McCain, LDF's Director of Policy**, issued the following statement:

"Everyone should be able to rent or own a home in a community of their choice without facing discrimination, and HUD has a crystal-clear mandate to promote fair access to housing, including fighting against unlawful discrimination in all its forms. Unfortunately, the Trump administration is ignoring this duty, deepening our nation's fair and affordable housing crises.

"It's clear the attacks on disparate impact are part of the administration's broader efforts to undermine civil rights law. Rather than fulfilling the promise of the Fair Housing Act and making housing affordable and accessible to everyone, HUD is abdicating its responsibilities and leaving communities at risk of deep social and economic harm. As HUD itself concedes, disparate impact discrimination is recognized by courts and still prohibited under the Fair Housing Act, and we call on HUD to immediately reverse course with its gutting of the regulation and fulfill its duty to enforce it."

You can read LDF's full comment [here](#).

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Founded in 1940, the Legal Defense Fund (LDF) is the nation's first civil rights legal organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957, though it was founded under the leadership of Thurgood Marshall while he was at the NAACP. LDF's Thurgood Marshall Institute (TMI) is a division of LDF that undertakes innovative research and houses LDF's archive. In all media attributions, please refer to us as the Legal Defense Fund or LDF (do not include NAACP) and refer to the Institute as LDF's Thurgood Marshall Institute or TMI.