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October 22, 2020

**CONTACT:** Izzy Woodruff | 202-898-1661 | [IWoodruff@nationalfairhousing.org](mailto:IWoodruff@nationalfairhousing.org)  
Phoebe Plagens | 212-965-2235 | [pplagens@naacpldf.org](mailto:pplagens@naacpldf.org)

## **National Fair Housing Alliance Challenges Harmful Trump Administration Reversal of Fair Housing Rule**

*Lawsuit to Fight Ruthless Rollback of Equal Housing Protections*

**Washington, D.C.** – Today, the National Fair Housing Alliance (NFHA), the NAACP Legal Defense and Educational Fund, Inc. (LDF), Fair Housing Advocates of Northern California, and BLDS, LLC filed a [federal lawsuit](#) to challenge the U.S. Department of Housing and Urban Development’s (HUD) recent reversal of long standing fair housing protections. The suit challenges HUD’s new “disparate impact” [rule](#), which will make it exceedingly hard for victims of discrimination to fight against systemic racism and discriminatory policies by housing providers, financial institutions, and insurance companies that deprive people of the opportunities and services they need.

The Trump administration rewrote the 2013 “disparate impact” rule adopted by the Obama administration, which adopted the well-accepted, standard approach to claims using this civil rights enforcement tool. It has been in place for almost 50 years to tackle structural barriers that unfairly lock people out of the housing and lending opportunities they deserve. The new rule is the latest attempt by the Trump administration to strip away protections for vulnerable communities. Its harmful action comes as the nation faces the COVID-19 pandemic and its ensuing economic fallout, and as we confront structural inequality and racial disparities that pervade every aspect of society.

“We will not let the Trump administration get away with its disastrous decision to strip civil rights protections from people who need it most,” stated **Lisa Rice, president and CEO of the National Fair Housing Alliance (NFHA)**. “The disparate impact tool is critical for challenging systemic barriers that block too many people from the housing and lending opportunities they deserve. It is also essential for tackling bias in the technologies used to determine who can rent an apartment, get a mortgage loan, or insure a home. This new rule goes back on everything the Fair Housing Act was created to address. NFHA is going to use every option we have to fight this rule and defend women, people with disabilities, survivors of domestic violence, people of color, families with children and others who should not have to endure any form of housing discrimination.”

“HUD’s decision last month to upend the longstanding disparate impact rule is the latest attempt by the Trump administration to undermine decades of progress toward making our country more equal,” said **Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF)**. “With this lawsuit, LDF seeks to stop the explicit effort by this president to revive and reinforce practices that promote racial segregation and to strip the Fair Housing Act of its power. The conservative movement to weaken the Fair Housing Act was rejected by the Supreme Court in 2015. The Trump administration now cynically seeks to use that decision to justify its effort to do by agency rulemaking what it could not convince a majority of the court to do.”

“Fair housing doesn’t happen by itself, which is why we cannot weaken tools to fight racism,” stated **Kristina Adamski, Zillow Vice President of Communications and Public Affairs**. “It’s critical that the disparate impact rule provide a clear basis to combat housing discrimination, and avoid unduly burdening victims of housing discrimination. At Zillow, we believe everyone deserves a home they love. This belief

drives us every day to provide consumers with information and products to find an affordable, quality home. Weakening the disparate impact rule undercuts that goal. We applaud the National Fair Housing Alliance and its allies for taking action to protect this essential tool in our shared fight against housing discrimination."

"For nearly fifty years, disparate impact law has made the promise of the Fair Housing Act a reality for millions of Americans," said **John Relman, Founder and Managing Partner of Relman Colfax**. "It has helped reduce inequalities that unfairly disadvantage people of color by requiring industry and government to search for less discriminatory alternatives to rules, policies and practices that perpetuate our nation's legacy of structural racism. HUD's new rule eviscerates disparate impact law as we know it, without justification or purpose. If the rule is permitted to proceed, it will undo decades of civil rights progress in communities across the country. This lawsuit seeks to enjoin HUD from implementing its unlawful new rule. We must protect the hard won gains of the civil rights movement and the rights of our clients and client communities."

"More than 50 years after passage of the Fair Housing Act, and more than five years after the Supreme Court confirmed the longstanding view that the Act bars both intentional discrimination and policies that have an unnecessarily discriminatory effect, this administration is attempting to use rulemaking to turn back the clock," stated **Allison Zieve director of Public Citizen Litigation Group and co-counsel in the case**. "The job of HUD is to enforce the law, not to undermine it. Through this lawsuit, we seek to establish that HUD has exceeded its authority and acted in an arbitrary and capricious manner."

"We are deeply disappointed in HUD's final Disparate Impact Rule and its radical revision of the previous 2013 rule," said **Caroline Peattie, Executive Director of Fair Housing Advocates of Northern California**. "Our agency will be hobbled in its effort to assist clients who desperately need our help — families with children who are faced with eviction or are barred from accessing housing because of restrictive occupancy or other discriminatory rules, domestic violence survivors facing eviction due to unfair policies that disproportionately affect women, people of color who are negatively impacted by restrictive housing policies barring people with criminal histories, and others. It will have a chilling effect on the willingness of our already vulnerable clients to come forward with a housing discrimination complaint when the burden of proving discrimination exists now appears insurmountable. In short, this is a rule that should not stand."

The lawsuit filed by NFHA, LDF, Fair Housing Advocates of Northern California, and BLDS, LLC asserts the Trump administration acted improperly in implementing the final "disparate impact rule." It alleges that HUD violated the Administrative Procedures Act by taking final agency action that is arbitrary and capricious, is in excess of statutory authority, and is not in accordance with law. Among other allegations, the complaint alleges that the final rule is not a product of reasoned decision-making and will undermine the purposes of the Fair Housing Act. The complaint also alleges that HUD failed to respond adequately to the public comments submitted in response to the proposed rule.

Millions of people will be negatively affected if the disparate impact tool is lost. Will will continue our efforts to preserve this vital civil rights tool and use every weapon in our arsenal to defend it. Visit [DefendCivilRights.org](https://www.defendcivilrights.org) to learn more and find out how you can speak out against this devastating attack on civil rights.

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### **About The National Fair Housing Alliance**

Founded in 1988, NFHA is a consortium of more than 200 private, nonprofit fair housing organizations and state and local civil rights agencies from throughout the United States. Headquartered in Washington, D.C., NFHA works to eliminate housing discrimination and ensure equal housing opportunity for all people through leadership, education, outreach, membership services, public policy initiatives, community development, advocacy, and enforcement.

### **About the NAACP Legal Defense and Educational Fund, Inc. (LDF)**

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

### **About Fair Housing Advocates of Northern California**

Fair Housing Advocates of Northern California is a non-profit fair housing organization serving several Bay Area counties that provides free counseling, enforcement, mediation, and legal or administrative referrals to people experiencing housing discrimination. Fair Housing Advocates of Northern California also offers foreclosure prevention counseling and pre-purchase education, seminars to help housing providers fully understand fair housing law, and education programs for tenants and the community at large. Fair Housing Advocates of Northern California provides training and guidance on affirmatively furthering fair housing.

The mission of Fair Housing Advocates of Northern California is to ensure equal housing opportunity and to educate the community on the value of diversity in our neighborhoods.