



For Immediate Release

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South Suburban Housing Center

Trump Administration Proposes Changes to Weaken Protections Against Discrimination Provided by the Fair Housing Act

Proposed rule changes released earlier this week by the U. S. Department of Housing and Urban Development (HUD) for public comment would make it more difficult to bring discrimination claims under the Fair Housing Act. These changes will effectively cripple a critical protection provided by what is commonly known as the disparate impact rule. Congress enacted the Fair Housing Act in 1968 to specifically prohibit both intentional discriminatory acts and facially neutral policies and practices that may limit, or disparately impact, housing opportunities to individuals based on their protected class status that now includes race, color, national origin, sex, the presence of families with children and people with disabilities.

Throughout the past 40 years, a string of lower Federal Court decisions have upheld this fundamental disparate impact protection. In 2013, HUD enacted a disparate impact rule to clarify and provide guidance based on these holdings. The U.S. Supreme Court affirmed the use of disparate impact for enforcement of the Fair Housing Act in their 2015 decision, *Texas Department of Housing and Community Affairs v, Inclusive Communities Project*. The changes made by the proposed rule set an unreasonably high bar to implement the protection requiring aggrieved parties to meet five evidentiary requirements rather than the three burden shifting requirements under the existing rule. The changes ignore hundreds of comments made by housing advocates throughout the country to HUD last year, during the advanced notice of proposed rulemaking period, to leave the existing rule alone and blatantly accepts opposing arguments made by the housing provider, insurance and mortgage lending industries. The proposed rule in fact provides a roadmap for how the housing providers can successfully defend against disparate impact claims and provides additional protections for the insurance industry by specifically allowing state law regulations to override the Fair Housing Act provisions.

South Suburban Housing Center (SSHC) is currently involved in several Fair Housing Act violation actions and has been involved in dozens of complaints litigated under these bedrock protections applying disparate impact theory over the years. These types of cases include familial status based violations involving restrictive occupancy and segregation of families with children, zoning cases involving restrictions limiting the placement of group homes for disabled individuals and restricting the development of affordable housing, predatory mortgage lending practices, victims of domestic violence penalized by local ordinances for calling police on their abusers, and racial and national origin based inequities in real estate tax assessment practices.

“SSHC joins with housing advocates throughout the country in opposing these proposed changes to implementing the existing disparate impact rule” stated SSHC Executive Director, John Petruszak, who also added, “the financial interests of housing providers, banking, and insurance industries cannot outweigh our national interest in promoting diversity or in basic civil rights to ensure equal housing opportunity.”

South Suburban Housing Center is a nonprofit community organization that primarily serves the south metropolitan Chicago area since 1975, including underserved areas of northwest Indiana. SSHC is dedicated to eliminating all forms of discrimination in the housing market through the operation of fair housing enforcement and affirmative housing counseling programs to foster stable, racially and economically, diverse communities. SSHC's primary goal is the elimination of segregation in housing and the promotion of residential integration through expanding housing and mortgage lending choices.