



August 19, 2025

Clinton Jones
General Counsel
Federal Housing Finance Agency
400 Seventh Street, SW
Washington, DC 20219

Attention: Comments/RIN 2590-AB53

Dear Mr. Jones:

The Housing Policy Council¹ ("HPC") appreciates the opportunity to comment on the Federal Housing Finance Agency's ("FHFA") notice of proposed rulemaking to repeal the Fair Lending, Fair Housing, and Equitable Housing Finance Plans regulation ("Part 1293").²

HPC supports repeal of Part 1293.

When FHFA initially proposed Part 1293 in April 2023, HPC submitted a comment to FHFA, questioning the need for such a regulation.³ We challenged FHFA's purpose in adopting regulations that were already administered by other government agencies with primary jurisdiction over fair housing and fair lending.

Our current position is consistent with our previous position, namely:

- Part 1293 served no obvious purpose since it simply referenced fair housing and fair lending laws that already applied to the regulated entities and that FHFA had pre-existing authority to enforce;
- Part 1293 did not address how FHFA would implement and enforce existing fair housing and fair lending laws in conjunction with the government agencies with primary authority for these laws, a redundancy that we believed would create needless confusion and uncertainty for the regulated entities and their counterparties; and
- Section 5 of the Federal Trade Commission Act, which prohibits unfair, deceptive acts or practices ("UDAP") is distinct from fair housing and fair lending and should never have been incorporated into Part 1293.

¹ The Housing Policy Council is a trade association comprised of the leading national mortgage lenders and servicers; mortgage, hazard, and title insurers; and technology and data companies. Our interest is in the safety and soundness of the housing finance system, the equitable and consistent regulatory treatment of all market participants, and the promotion of lending practices that create sustainable homeownership opportunities in support of vibrant communities and long-term wealth-building for families. For more information, visit www.housingpolicycouncil.org.

² 90 Fed. Reg. 35475 (July 29, 2025), the Fair Lending, Fair Housing, and Equitable Housing Finance Plans (12 C.F.R. Part 1293).

³ See: https://www.housingpolicycouncil.org/files/ugd/d315af_0469adbd55174bbd8492e873152c953f.pdf.

Based upon these concerns, we called on FHFA to withdraw the proposed regulation or republish it in substantially revised form. Thus, consistent with our prior comment, we continue to believe that Part 1293 serves no obvious purpose. It simply references fair housing and fair lending laws that already apply to the regulated entities and that FHFA has existing authority to enforce, creating potential conflicts with the authority of other government agencies under existing fair lending laws. Therefore, we support its repeal.

We appreciate the opportunity to comment on the Proposed Rulemaking. If you would like to discuss our letter, please contact Matt Douglas at matt.douglas@housingpolicycouncil.org

Yours truly,

A handwritten signature in black ink that reads "Edward J. DeMarco". The signature is written in a cursive, slightly slanted style.

Edward J. DeMarco
President
Housing Policy Council