



Housing Policy Council
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July 15, 2020

The Honorable Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

Re. Deferral of Fair Housing Act Disparate Impact Regulation

Dear Secretary Carson,

The Housing Policy Council and its members commend you and the HUD leadership team and HUD staff for your commitment to addressing the needs of households and communities affected by this unprecedented national health emergency.

Coinciding with the health and economic disruptions caused by the novel coronavirus, our nation is confronting in a new and serious way a longstanding set of social challenges and questions regarding racial equality and justice. This moment offers a unique opportunity for renewed focus as well as thoughtful deliberation and dialogue, which we are already witnessing within our families, local communities, corporations, and organizations large and small throughout the country.

To that end, we ask that you withhold issuance of the final Disparate Impact regulation under the Fair Housing Act, given the heightened level of concern and sensitivity to civil rights and equal protection under the law felt in so many communities across the United States today. Pausing before issuing a final rule would permit HUD to reengage with housing providers, lenders, the civil rights community, and the public generally in a renewed conversation on the most effective ways to preserve and protect the right to pursue legal action for housing-related discrimination, be it purposeful or unintentional.

Again, we appreciate the Department's engagement during this period of historic upheaval and commend the efficient execution of programmatic solutions to address the impacts of the pandemic, and we hope that this same level of thoughtful consideration can be applied to the proposed Disparate Impact Rule. After years of racial injustice in housing laws whose effects cannot be readily undone, our hope is to enhance our mutual understanding and commitment to banishing discriminatory practices, whether intended or not, from our housing finance system. The Housing Policy Council offers its services to help facilitate such dialogue. Should you have any questions, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink that reads 'Edward J. DeMarco'.

Edward J. DeMarco
President
Housing Policy Council