



Housing Assistance Council

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Submitted via Regulations.gov

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 Seventh St., SW
Room 10276
Washington, DC 20410-0500

Re: Docket No. FR-6251-P-01
Reinstatement of HUD's Discriminatory Effects Standard

Dear Office of General Counsel:

The Housing Assistance Council (HAC) appreciates the opportunity to comment on the Reinstatement of HUD's Discriminatory Effects Standard rule proposed by the Department of Housing and Urban Development (HUD). A nonprofit organization, HAC has been helping local organizations build affordable homes in rural America since 1971. With 50 years as a thought leader and voice for rural America, HAC grounds its comments in the need for strong, consistent fair housing enforcement in rural places.

HAC opposed HUD's 2018 and 2019 regulatory proposals on the grounds that they were contrary to the Fair Housing Act and its ultimate goal of ensuring that all have access to decent, safe and affordable housing in strong and healthy communities. To that end, HAC strongly supports HUD's June 25, 2021 proposal to reinstate its 2013 discriminatory effects rule.

HAC agrees with the reasoning set out in HUD's reinstatement proposal. HUD's September 24, 2020 rule was not aligned with case law, including the Supreme Court's decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project*. It was confusing and placed an unreasonable burden of proof on the party alleging discrimination, making it almost impossible to prove disparate impact. HAC agrees that, as the 2021 proposed rule states, the standard set in the 2013 rule "is more consistent with the [Fair Housing] Act's purpose, prior caselaw under the Act, including Inclusive Communities, other civil rights authorities, including the Equal Credit Opportunity Act and Title VII, and HUD's prior interpretations of the Act."

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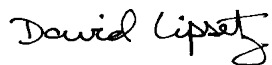
HAC is an equal opportunity lender.

HUD has a direct responsibility to ensure equal opportunity and freedom from discrimination of all types, intentional or not. Disparate impact liability is critical to protect people, and HUD's 2013 rule provides clear standards for doing so. As a national nonprofit that helps build homes and communities across rural America, the Housing Assistance Council urges HUD to maintain standards and design programs so that they are also effective in small towns and rural places.

Fair access to housing is essential. Research shows that decent, affordable housing improves residents' physical and mental health, their ability to hold jobs, their children's performance in school. Children's life chances are deeply impacted by the neighborhoods where they grow up. Enforcing the Fair Housing Act against discrimination, both intended and incidental, helps our nation move towards inclusive and equitable rural, urban and suburban communities, where all residents can thrive.

If you have questions or would like to discuss these comments further, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "David Lipsetz". The signature is written in a cursive, slightly slanted style.

David Lipsetz
President and Chief Executive Officer

DL/lrs