

February 26, 2020

Rep. Maxine Waters
Chairwoman
Committee on Financial Services
U.S. House of Representatives
2128 Rayburn House Office Building
Washington, DC 20515

Rep. Patrick McHenry
Ranking Member
Committee on Financial Services
U.S. House of Representatives
2128 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Waters and Ranking Member Patrick McHenry,

The undersigned national and local civil rights, housing, and consumer advocacy organizations write to you to express our support for H.R. 149, “The Housing Fairness Act of 2020”, and to urge its swift passage. H.R. 149 reflects the input of fair housing practitioners serving local housing markets across the nation and makes significant improvements to the Fair Housing Initiatives Program (FHIP).

FHIP is a competitive grant program administered by HUD that provides funding to private nonprofit fair housing organizations whose mission it is to fight pervasive discrimination in the housing, rental, real estate, lending and insurance markets. FHIP is composed of three primary grant categories: Education and Outreach Initiative (EOI) grants that educate the general public about their fair housing rights and train housing providers to understand their fair housing responsibilities; Private Enforcement Initiative (PEI) grants that support fair housing groups’ testing, complaint intake, and investigation efforts; and Fair Housing Organizations Initiative (FHOI) grants that build the capacity and efficacy of private fair housing groups and fund the creation of new organizations. FHIP is essential to ensuring the effective implementation of the Fair Housing Act and that individual victims of housing discrimination have meaningful opportunities to achieve justice. According to a 2011 HUD study, 71% of cases in which a FHIP organization is a complainant result in conciliation or a cause versus 37% of non-FHIP referred cases.¹ And in 2018, fair housing organizations primarily funded by FHIP investigated 75% of all reported complaints of housing discrimination across the nation, more than double that of local, state, and the federal government.²

Despite the strong record of the program, FHIP has been long-neglected and is in much need of reform to ensure that it better carries out its purpose of supporting the development of a network of local private fair housing organizations. For years FHIP grantees have experienced constant delays in Notices of Funding Availability, grant award decisions, and late payments. The practical result of this pattern has been the serious damage to long-established fair housing organizations that often are the only organization serving their local or regional housing market, and in some cases, their entire state. FHIP funding levels have also failed to keep pace with the rising costs of conducting housing discrimination investigations and the retention of highly technically skilled fair housing experts, or the creation of full-service fair housing organizations in states and local housing markets where one currently does not exist.

¹ See “Study of the Fair Housing Initiatives Program,” U.S. Department of Housing & Urban Development, May 2011.

² See “Defending Against Unprecedented Attacks on Fair Housing: 2019 Fair Housing Trends Report,” National Fair Housing Alliance, October 2019.

Systemic housing discrimination old and new continue to plague the housing market. In February, 2018 the Center for Investigative Reporting issued findings of its analysis of 31 million records of mortgage lending data in cities across the nation. The Center found that Black applicants in 48 cities, Latino applicants in 25 cities, Asian applicants in nine cities, and Native Americans in three cities were all turned away at significantly higher rates than White applicants.³ In November, 2019, Newsday released the results of a 3-year real estate steering testing investigation on Long Island, New York. The investigation uncovered widespread evidence of unequal treatment by real estate agents at a rate of 19% for Asian testers, 39% for Latino testers, and 49% for Black testers.⁴ This level of differential treatment is not exclusive to Long Island and instead reflects a long history of real estate discrimination. In March, 2018, the National Fair Housing Alliance filed a federal lawsuit under the Fair Housing Act against Facebook alleging that Facebook’s advertising platform enabled landlords and real estate brokers to exclude people of color, families with children, women, people with disabilities, and other protected groups from receiving housing advertisements. This case settled in March, 2019, resulting in a transformation of the way Facebook’s housing advertising platform delivers housing opportunities to consumers.⁵ The case against Facebook reflects the increased need to monitor how algorithms and machine learning systems perpetuate housing discrimination, and each of the aforementioned investigations reveal how much more needs to be done to stop systemic housing discrimination in every market. The failure of state and local governments and the federal government to investigate and tackle these types of systemic housing discrimination reveal the urgent need to support the nation’s network of private nonprofit fair housing organizations who are doing this work.

Simply put, more must be done to support local and national fair housing enforcement and education. H.R. 149 offers many solutions. The Housing Fairness Act authorizes increased program funding to better support existing qualified fair housing enforcement organizations, create new groups where they do not currently exist, and help fair housing organizations attract, train, and retain highly specialized fair housing experts to conduct testing and investigations. The bill also makes significant improvements in a number of program areas in order to streamline program implementation, make better use of grantee and HUD time and resources, and provide for coordinated systemic regional or national investigations to get at the heart of systemic discrimination. The bill also creates a separate grant program intended to support academic research into the nature, causes and outcomes of housing discrimination and residential segregation to support the need for stronger fair housing policy solutions. H.R. 149 also makes adjustments to FHIP eligibility requirements to ensure that organizations can concurrently apply for enforcement and education grants. The legislation also improves HUD reporting requirements to better quantify the impact of enforcement actions and public fair housing education. Finally, the legislation reinstates HUD’s 2015 Affirmatively Furthering Fair Housing rule to restore accountability and compliance with the Fair Housing Act by local and state governments that receive federal housing and community development dollars.

³ See “Kept Out,” Reveal, from the Center for Investigative Reporting, February 15, 2018.

⁴ For more information about the Newsday investigation, please visit <https://projects.newsday.com/long-island/real-estate-agents-investigation/>.

⁵ For more information about the Facebook settlement, please visit <https://nationalfairhousing.org/facebook-settlement/>.

We urge the swift passage of the Housing Fairness Act of 2020.

Sincerely,

National Organizations

Americans for Financial Reform
Center for Responsible Lending
Consortium for Citizens with Disabilities Housing Task Force
Georgetown University Law Center - Civil Rights Clinic
NAACP
National Action Network
National Fair Housing Alliance
National LGBTQ Task Force Action Fund
The Arc

Local Organizations

State	City	Organization
AL	Mobile	Center for Fair Housing, Inc.
AZ	Tucson	Southwest Fair Housing Council
CA	Hayward	Eden Council for Hope and Opportunity
CA	Oakland	Western Center in Law & Poverty
CA	Riverside	Fair Housing Council of Riverside County, Inc.
CA	San Jose	Law Foundation of Silicon Valley
CA	San Rafael	Fair Housing Advocates of Northern California
CA	Santa Ana	Fair Housing Council of Orange County
CA	Santa Ana	Public Law Center
CA	Santa Clara	Project Sentinel
CT	Hartford	Connecticut Fair Housing Center
DC	Washington	Equal Rights Center
DC	Washington	Georgetown University Law Center - Civil Rights Clinic
FL	Lantana	Fair Housing Center of the Greater Palm Beaches
FL	Miami	Housing Opportunities Project for Excellence (HOPE), Inc.
GA	Savannah	Savannah-Chatham Council on Disability Issues
GA	Atlanta	Metro Fair Housing Services, Inc.
GA	Savannah	Savannah-Chatham County Fair Housing Council, Inc.
ID	Boise	Intermountain Fair Housing Council
IL	Chicago	Access Living of Metropolitan Chicago
IL	Chicago	Chicago United for Equity
IL	Chicago	Housing Action Illinois
IL	Chicago	Housing Choice Partners
IL	Chicago	Speak Up

IL	Homewood	South Suburban Housing Center
IL	Wheaton	HOPE Fair Housing Center
LA	New Orleans	Louisiana Fair Housing Action Center
MA	Holyoke	Massachusetts Fair Housing Center
MI	Detroit	Fair Housing Center of Metropolitan Detroit
MI	Grand Rapids	Fair Housing Center of West Michigan
MI	Ypsilanti	Fair Housing Center of Southeast & Mid-Michigan
NJ	Hackensack	Fair Housing Council of Northern NJ
NY	Bohemia	Long Island Housing Services, Inc.
NY	Buffalo	Housing Opportunities Made Equal, Inc.
NY	Long Island City	Fair Housing Justice Center, Inc.
ND	Grand Forks	High Plains Fair Housing Center
OH	Akron	Fair Housing Contact Service
OH	Cincinnati	Housing Opportunities Made Equal of Greater Cincinnati
OH	Cleveland	Fair Housing Center for Rights & Research
OH	Dayton	Miami Valley Fair Housing Center, Inc.
OH	Toledo	The Fair Housing Center
OR	Portland	Fair Housing Council of Oregon
PA	Philadelphia	Fair Housing Rights Center in Southeastern Pennsylvania
PA	Pittsburgh	Fair Housing Partnership of Greater Pittsburgh
TX	Austin	Austin Tenants Council
TX	Houston	Greater Houston Fair Housing Center
TX	San Antonio	Fair Housing Council of Greater San Antonio
WA	Tacoma	Fair Housing Center of Washington