



East Bay Housing Organizations

Anna Maria Farías
The Office of the Assistant Secretary for Fair Housing and Equal Opportunity
The Department of Housing and Urban Development

October 18, 2019

Dear Sir or Madam,

East Bay Housing Organizations submits these comments in response to the Department of Housing and Urban Development ("HUD")'s proposed rule revising the disparate impact standard. Disparate Impact is crucial to ensuring all communities- Black, white, immigrant, Latinx, Indigenous and Asian-Americans, people of all genders- have access to safe, affordable rental properties and fair homeownership opportunities and rates. East Bay Housing Organizations strongly opposes HUD's proposed changes to the disparate impact standard and urges you to uphold HUD's current interpretation of the disparate impact rule.

The Fair Housing Act protects people from discrimination when they are getting a mortgage, buying a home, or renting an apartment. It makes it illegal to refuse or limit housing opportunities based on a person's race, color, national origin, religion, sex, disability, or familial status. Disparate impact is essential to enforce protections guaranteed by the Fair Housing Act because it provides a way to prohibit seemingly neutral policies that unnecessarily exclude people of color and other groups from housing. It has been widely effective in addressing discriminatory practices in mortgage lending, rental housing, and property insurance, thereby making housing more available to all.

Our members in the East Bay of California, which includes the Cities of Oakland, Berkeley, and more than a dozen suburbs, has seen the negative impact of un-checked racial discrimination in home loans and rental opportunities. The 100+ years of these practices created racially segregated neighborhoods and city boundaries, resulting in high rents for people of color living in majority Black and POC neighborhoods for lower-quality, often unsafe housing units, and limiting the ability of Black and other People of Color to purchase properties in neighborhoods with under-resourced schools and other public infrastructure or accrue value from their housing similar to residents in predominately-white neighborhoods.

Practices of redlining and racial discrimination have never disappeared from our communities, but **we have been able to reduce discrimination by holding banks, landlords, and public housing agencies accountable when we can use disparate impact standards to identify widespread racial discrimination** as it happens. In our community there has been a 43% increase of people experiencing homelessness in Alameda County. Black people, especially Black seniors, are disproportionately among these people pushed out of housing—not because of any fault of their own, but because of the racial wealth gap and other structural practices that harm low-income people, Black people and people of color. In 2019, we urgently need to ensure that Black residents and people of color do not face discrimination while moving in to quality housing.

HUD's Proposed Rule would destroy disparate impact liability and allow insurance companies, financial institutions, and other major corporations to engage in covert discriminatory practices without any consequences. It would leave communities of color and other groups without protection from unfair and discriminatory policies. HUD's Proposed Rule goes against the very purpose of the Fair Housing Act to prohibit housing discrimination and instead gives companies more defenses to justify their policies.

East Bay Housing Organizations strongly urge you not to go forward with the proposed rule. HUD should withdraw this proposed rule immediately and follow its mission to enforce our fair housing and fair lending laws.

Sincerely,

Sophia DeWitt

Rev. Sophia DeWitt
Program Director, East Bay Housing Organizations