

117TH CONGRESS
1ST SESSION

H. R. 68

To authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mr. GREEN of Texas introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans, Women,
5 Families with Children, Race, and Persons with Disabil-
6 ities Housing Fairness Act of 2021” or the “Housing
7 Fairness Act of 2021”.

1 **SEC. 2. TESTING FOR DISCRIMINATION.**

2 (a) IN GENERAL.—The Secretary of Housing and
3 Urban Development shall conduct a nationwide program
4 of testing to—

5 (1) detect and document differences in the
6 treatment of persons seeking to rent or purchase
7 housing or obtain or refinance a home mortgage
8 loan, and measure patterns of adverse treatment be-
9 cause of the race, color, religion, sex, familial status,
10 disability status, or national origin of a renter, home
11 buyer, or borrower; and

12 (2) measure the prevalence of such discrimina-
13 tory practices across the housing and mortgage lend-
14 ing markets as a whole.

15 (b) ADMINISTRATION.—The Secretary of Housing
16 and Urban Development shall enter into agreements with
17 qualified fair housing enforcement organizations, as such
18 organizations are defined under subsection (h) of section
19 561 of the Housing and Community Development Act of
20 1987 (42 U.S.C. 3616a(h)), for the purpose of conducting
21 the testing required under subsection (a).

22 (c) PROGRAM REQUIREMENTS.—The Secretary
23 shall—

24 (1) submit to the Congress an evaluation by the
25 Secretary of the effectiveness of the program under
26 this section; and

1 (2) issue regulations that require each applica-
2 tion for the program under this section to contain—

3 (A) a description of the assisted activities
4 proposed to be undertaken by the applicant;

5 (B) a description of the experience of the
6 applicant in formulating or carrying out pro-
7 grams to carry out the activities described in
8 subsection (a); and

9 (C) a description of proposed procedures to
10 be used by the applicant for evaluating the re-
11 sults of the activities proposed to be carried out
12 under the program.

13 (d) REPORT.—The Secretary of Housing and Urban
14 Development shall report to Congress—

15 (1) on a biennial basis, the aggregate outcomes
16 of testing required under subsection (a) along with
17 any recommendations or proposals for legislative or
18 administrative action to address any issues raised by
19 such testing; and

20 (2) on an annual basis, a detailed summary of
21 the messages received by the Office of Fair Housing
22 and Equal Opportunity of the Department through
23 its 24-hour toll-free telephone hotline, through elec-
24 tronic mail, and through its website.

1 The Secretary may submit the reports required under
2 paragraph (1) of this subsection as part of the reports
3 prepared in accordance with paragraphs (2) and (6) of
4 section 808(e) of the Fair Housing Act (42 U.S.C.
5 3608(e)) and section 561(j) of the Housing and Commu-
6 nity Development Act of 1987 (42 U.S.C. 3616a(j)).

7 (e) USE OF RESULTS.—The results of any testing re-
8 quired under subsection (a) may be used as the basis for
9 the Secretary, or any Federal agency authorized to bring
10 such an enforcement action, or any State or local govern-
11 ment or agency, public or private nonprofit organization
12 or institution, or other public or private entity that the
13 Secretary has entered into a contract or cooperative agree-
14 ment with under section 561 of the Housing and Commu-
15 nity Development Act of 1987 (42 U.S.C. 3616a) to com-
16 mence, undertake, or pursue any investigation or enforce-
17 ment action to remedy any discriminatory housing practice
18 (as such term is defined in section 802 of the Fair Hous-
19 ing Act (42 U.S.C. 3602)) uncovered as a result of such
20 testing.

21 (f) DEFINITIONS.—As used in this section:

22 (1) DISABILITY STATUS.—The term “disability
23 status” has the same meaning given the term
24 “handicap” in section 802 of the Civil Rights Act of
25 1968 (42 U.S.C. 3602).

1 (2) FAMILIAL STATUS.—The term “familial sta-
2 tus” has the same meaning given that term in sec-
3 tion 802 of the Civil Rights Act of 1968 (42 U.S.C.
4 3602).

5 (g) RELATIONSHIP TO OTHER LAWS.—Nothing in
6 this section may be construed to amend, alter, or affect
7 any provision of criminal law or the Truth in Lending Act
8 (15 U.S.C. 1601 et seq.).

9 (h) REGULATIONS.—Not later than the expiration of
10 the 180-day period beginning on the date of the enactment
11 of this Act, the Secretary of Housing and Urban Develop-
12 ment shall issue regulations that establish minimum
13 standards for the training of testers of organizations con-
14 ducting testing required under subsection (a). Such regu-
15 lations shall serve as the basis of an evaluation of such
16 testers, which shall be developed by the Secretary, and
17 such regulations shall be issued after notice and an oppor-
18 tunity for public comment in accordance with the proce-
19 dure under section 553 of title 5, United States Code, ap-
20 plicable to substantive rules (notwithstanding subsections
21 (a)(2), (b)(3)(B), and (d)(3) of such section).

22 (i) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out the provi-
24 sions of this section \$15,000,000 for each of fiscal years
25 2021 through 2025.

1 **SEC. 3. INCREASE IN FUNDING FOR THE FAIR HOUSING INI-**
 2 **TIATIVES PROGRAM.**

3 (a) IN GENERAL.—Section 561 of the Housing and
 4 Community Development Act of 1987 (42 U.S.C. 3616a)
 5 is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1), by inserting “quali-
 8 fied” before “private nonprofit fair housing en-
 9 forcement organizations,”; and

10 (B) in paragraph (2), by inserting “quali-
 11 fied” before “private nonprofit fair housing en-
 12 forcement organizations,”;

13 (2) by striking subsection (g) and inserting the
 14 following:

15 “(g) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) IN GENERAL.—There are authorized to be
 17 appropriated to carry out the provisions of this sec-
 18 tion \$42,500,000 for each of fiscal years 2021
 19 through 2025, of which—

20 “(A) not less than 75 percent of such
 21 amounts shall be for private enforcement initia-
 22 tives authorized under subsection (b);

23 “(B) not more than 10 percent of such
 24 amounts shall be for education and outreach
 25 programs under subsection (d); and

1 “(C) any remaining amounts shall be used
2 for program activities authorized under this sec-
3 tion.

4 “(2) AVAILABILITY.—Any amount appropriated
5 under this section shall remain available until ex-
6 pended to carry out the provisions of this section.”;

7 (3) in subsection (h), in the matter following
8 subparagraph (C), by inserting “and meets the cri-
9 teria described in subparagraphs (A) and (C)” after
10 “subparagraph (B)”; and

11 (4) in subsection (d)—

12 (A) in paragraph (1)—

13 (i) in subparagraph (C), by striking
14 “and” at the end;

15 (ii) in subparagraph (D), by striking
16 the period and inserting “; and”; and

17 (iii) by adding after subparagraph (D)
18 the following new subparagraph:

19 “(E) websites and other media outlets.”;

20 (B) in paragraph (2), by striking “or other
21 public or private entities” and inserting “or
22 other public or private nonprofit entities”; and

23 (C) in paragraph (3), by striking “or other
24 public or private entities” and inserting “or
25 other public or private nonprofit entities”.

1 (b) REGULATIONS.—Not later than the expiration of
2 the 180-day period beginning on the date of the enactment
3 of this Act, the Secretary of Housing and Urban Develop-
4 ment shall issue regulations that establish minimum
5 standards for the training of testers of organizations fund-
6 ed with any amounts made available to carry out this sec-
7 tion for any of fiscal years 2021 through 2025. Such regu-
8 lations shall serve as the basis of an evaluation of such
9 testers, which shall be developed by the Secretary, and
10 shall be issued after notice and an opportunity for public
11 comment in accordance with the procedure under section
12 553 of title 5, United States Code, applicable to sub-
13 stantive rules (notwithstanding subsections (a)(2),
14 (b)(3)(B), and (d)(3) of such section).

15 **SEC. 4. SENSE OF CONGRESS.**

16 It is the sense of Congress that the Secretary of
17 Housing and Urban Development should—

18 (1) fully comply with the requirements of sec-
19 tion 561(d) of the Housing and Community Develop-
20 ment Act of 1987 (42 U.S.C. 3616a(d)) to establish,
21 design, and maintain a national education and out-
22 reach program to provide a centralized, coordinated
23 effort for the development and dissemination of the
24 fair housing rights of individuals who seek to rent,
25 purchase, sell, or facilitate the sale of a home;

1 (2) expend for such education and outreach
2 programs all amounts appropriated for such pro-
3 grams;

4 (3) promulgate regulations regarding the fair
5 housing obligations of each recipient of Federal
6 housing and community development funds to af-
7 firmatively further fair housing, as that term is de-
8 fined under title VIII of the Civil Rights Act of
9 1968 (42 U.S.C. 3601 et seq.); and

10 (4) fully comply with the requirements of sec-
11 tion 810(a) of the Fair Housing Act (42 U.S.C.
12 3610(a)).

13 **SEC. 5. GRANTS TO PRIVATE ENTITIES TO STUDY HOUSING**
14 **DISCRIMINATION.**

15 (a) GRANT PROGRAM.—The Secretary of Housing
16 and Urban Development shall carry out a competitive
17 matching grant program to assist public and private non-
18 profit organizations in—

19 (1) conducting comprehensive studies that ex-
20 amine—

21 (A) the causes of housing discrimination
22 and segregation;

23 (B) the effects of housing discrimination
24 and segregation on education, poverty, and eco-
25 nomic development; or

1 (C) the incidences, causes, and effects of
2 housing discrimination and segregation on vet-
3 erans and military personnel; and

4 (2) implementing pilot projects that test solu-
5 tions that will help prevent or alleviate housing dis-
6 crimination and segregation.

7 (b) ELIGIBILITY.—To be eligible to receive a grant
8 under this section, a public or private nonprofit organiza-
9 tion shall—

10 (1) submit an application to the Secretary of
11 Housing and Urban Development, containing such
12 information as the Secretary shall require;

13 (2) agree to provide matching non-Federal
14 funds for 50 percent of the total amount of the
15 grant, which matching funds may include items do-
16 nated on an in-kind contribution basis; and

17 (3) meet the requirements of a qualified fair
18 housing enforcement organization, as such term is
19 defined in section 561(h) of the Housing and Com-
20 munity Development Act of 1987 (42 U.S.C.
21 3616a(h)), or subcontract with a qualified fair hous-
22 ing enforcement organization as a primary subcon-
23 tractor.

24 (c) REPORT.—The Secretary of Housing and Urban
25 Development shall submit a report to the Congress on a

1 biennial basis that provides a detailed summary of the re-
2 sults of the comprehensive studies and pilot projects car-
3 ried out under subsection (a), together with any rec-
4 ommendations or proposals for legislative or administra-
5 tive actions to address any issues raised by such studies.
6 The Secretary may submit the reports required under this
7 subsection as part of the reports prepared in accordance
8 with paragraphs (2) and (6) of section 808(e) of the Fair
9 Housing Act (42 U.S.C. 3608(e)) and section 561(j) of
10 the Housing and Community Development Act of 1987
11 (42 U.S.C. 3616a(j)).

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out the provi-
14 sions of this section \$5,000,000 for each of fiscal years
15 2021 through 2025.

16 **SEC. 6. LIMITATION ON USE OF FUNDS.**

17 None of the funds made available under this Act, or
18 the amendments made by this Act, may be used for any
19 political activities, political advocacy, or lobbying (as such
20 terms are defined by Circular A–122 of the Office of Man-
21 agement and Budget, entitled “Cost Principles for Non-
22 Profit Organizations”), or for expenses for travel to en-
23 gage in political activities or preparation of or provision
24 of advice on tax returns.

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