



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

**Statement on Recent Final Regulations Weakening the Protections of the Fair Housing Act  
September 25, 2020**

The Consortium for Citizens with Disabilities (CCD) Housing Task Force and Rights Task Force are deeply concerned that the U.S. Department of Housing and Urban Development (HUD) has finalized rules that weaken the disparate impact discrimination safeguard and the Affirmatively Furthering Fair Housing obligation under the Fair Housing Act. CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

People with disabilities and their families face a national shortage of accessible and affordable housing, and far too frequently, encounter discrimination when seeking housing. The lack of sufficient safe, accessible, affordable housing is a continuing and significant barrier to integrated community living, making it difficult for people with disabilities to move from segregated facilities into the community, and putting many people with disabilities at risk of unnecessary institutionalization or homelessness. It remains crucially important to work toward inclusive housing in the community for people with disabilities, and to protect the rights guaranteed under the Fair Housing Act. This commitment has become even more urgent in the current health and economic crisis, given the high rates of COVID-19 infection and deaths of people with disabilities living in institutions and other congregate settings.

We must accelerate available housing options for people with disabilities transitioning from institutions or congregate settings or those at serious risk of institutionalization or at risk of experiencing homelessness. Unfortunately, recent regulations finalized by the HUD instead weaken discrimination protections and narrow integrated housing options.

Yesterday, HUD published a final rule on “Implementation of the Fair Housing Act’s Disparate Impact Standard,” dismantling the previous disparate impact rule that had efficiently and successfully served as a tool for challenging structural inequalities in housing and financial markets. The new rule will, instead, create significant obstacles for people who experience discrimination to enforce their rights based on a disparate impact claim. Earlier this month, the “Preserving Community and Neighborhood Choice” rule went to effect. This new rule fundamentally weakens implementation and enforcement of the Fair Housing Act’s Affirmatively Furthering Fair Housing (AFFH) mandate, removing earlier regulations designed to ensure that housing agencies and communities receiving HUD funding fulfill their AFFH obligations, and eliminating assessments to identify discriminatory housing practices and active steps taken to address segregation, promote integration, and ensure that all neighborhoods are well-resourced and that their residents have access to opportunity. These new rules will result in less oversight, weaker standards, and lost opportunities to improve housing for people most in

need, including people with disabilities. And in both rulemaking processes, HUD did not adequately address the concerns and input raised by commenters.

At a time when unmet affordable, accessible housing needs are severe, housing and community development resources are limited, and having a safe place to shelter is not only fundamental to health, but for many people with disabilities can be a life-or-death issue, we cannot afford to weaken these important protections and tools. The new rules increase the risk that people with disabilities will be stuck in or forced into an institutional setting instead of a life they choose in the community. This is not the time to weaken effective implementation of the Fair Housing Act. We urge HUD to reinstate the previous Affirmatively Further Fair Housing and Disparate Impact regulations to uphold its commitment fair housing, and further the agency’s mission to create strong, sustainable, inclusive communities and quality affordable homes for all, and “build inclusive and sustainable communities free from discrimination.”

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