Dear Secretary Carson,

On March 30, 2018, President Trump declared April 2018 as National Fair Housing Month and announced that his Administration “intends to deliver on the promise outlined by the Fair Housing Act, by ending prejudice and unlawful discriminatory practices ... [and] expanding the availability of affordable housing.”¹ The Department of Housing and Urban Development (HUD) is the main agency charged with administering and enforcing the Fair Housing Act. I write to express concern that HUD, under your direction, has so far failed in that mission, and to request information on how HUD plans to combat housing discrimination.

Fifty years after the Fair Housing Act became law, housing discrimination remains a serious problem in the United States. According to a recent study by the Center for Investigative Reporting and Reveal, minority borrowers are more likely to be denied a mortgage than similar white borrowers in 61 metropolitan areas—even after controlling for loan amounts, neighborhoods, and applicants’ income.² To combat housing and lending discrimination, it is critical that federal regulators uphold and enforce the rules put in place to protect American communities.

HUD’s Office of Fair Housing and Equal Opportunity is tasked with eliminating housing discrimination and enforcing the Fair Housing Act. In FY 2016 alone, HUD and 85 Fair Housing Assistance Program agencies conducted over 8,300 investigations into complaints of housing discrimination, and found cause for action in more than half of these cases, securing over $25 million in monetary relief for discrimination victims.³

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² Aaron Glantz and Emmanuel Martinez, “For people of color, banks are shutting the door to homeownership,” Reveal (February 15, 2018) (Online at: https://www.revealnews.org/article/for-people-of-color-banks-are-shutting-the-door-to-homeownership/).
Under your leadership, HUD has also failed to implement rules that would help end "unlawful discriminatory practices." Under the Fair Housing Act, HUD is charged with combating housing discrimination and "affirmatively further[ing] fair housing." However, over the past year, HUD has taken a number of steps that threaten to undermine existing fair housing laws and regulations. The Department delayed the effective date of the Affirmatively Furthering Fair Housing rule that would require communities requesting block grants from HUD to analyze housing and lending obstacles faced by minority residents and propose plans to address them. It also attempted to delay the implementation of the Small Area Fair Market Rent rule, which makes it easier for people receiving housing subsidies to live in high-opportunity neighborhoods, relenting only after a judge’s ruling requiring the Department to implement the rule immediately. Furthermore, recent reports indicate that you have proposed removing language from HUD’s mission statement referring to HUD’s commitment to anti-discrimination.

This is a disturbing pattern of undermining and failing to enforce housing and lending laws. In order to better understand how HUD under your direction has fulfilled and will continue to fulfill the President’s vow to “deliver on the promise outlined by the Fair Housing Act,” I ask that you provide answers to the following questions no later than May 8, 2018:

1. In your most recent appearance before the Senate Banking Committee, you stated that HUD is “constantly involved in lawsuits that [it has] brought against people for housing discrimination” and promised to follow up on how many lawsuits HUD has initiated since your confirmation. How many lawsuits, specifically dealing with housing discrimination, has HUD initiated since your confirmation? Please provide a list of these lawsuits and any resolution.

2. The FY 2019 budget proposal from the White House reduced funding for HUD by “$8.8 billion or 18.3-percent decrease from the 2017 enacted level.” How would this significant reduction in HUD’s budget affect the Department’s efforts in combating housing discrimination?

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3. On January 5, 2018, you delayed the 2015 Affirmatively Furthering Fair Housing rule to October 2020.\textsuperscript{11} Has this helped reduce housing discrimination? If so, how?

4. Before the Court's ruling, you had delayed the implementation of the Small Area Fair Market Rent Rule for two years.\textsuperscript{12} Has this helped reduce housing discrimination? If so, how?

5. How does HUD measure the effectiveness of the department's efforts to reduce housing discrimination? Please provide an analysis of the agency's performance over the last two years.

6. Please describe any HUD initiatives in place, beyond the ones discussed in this letter, to address housing discrimination.

Sincerely,

Elizabeth Warren
United States Senator


\textsuperscript{12}Amanda Michelle Gomez, "Federal judge green-lights desegregation housing rule after Carson tries to block it," \textit{ThinkProgress}, (December 14, 2017) (Online at: https://thinkprogress.org/federal-judge-green-lights-desegregation-housing-rule-after-carson-tries-to-block-it-58f03e55f20e/).