

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 68
OFFERED BY MR. GREEN OF TEXAS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Housing Fairness Act
3 of 2022”.

4 SEC. 2. TESTING FOR DISCRIMINATION.

5 (a) ELIGIBLE ACTIVITY UNDER FHIP.—Subsection
6 (a) of section 561 of the Housing and Community Devel-
7 opment Act of 1987 (42 U.S.C. 3616a(a)) is amended—

8 (1) in the matter preceding paragraph (1), by
9 inserting after “discriminatory housing practices”
10 the following: “or, in the case of grants or contracts
11 for activities under paragraph (3) with qualified fair
12 housing enforcement organizations (as such term is
13 defined in subsection (h) of this section) that have
14 demonstrated expertise in managing and imple-
15 menting regional or national testing programs to ad-
16 dress systemic fair housing issues”;

17 (2) in paragraph (1), by striking “and” at the
18 end;

1 (3) in paragraph (2), by striking the period at
2 the end and inserting “; and”; and

3 (4) by adding at the end the following:

4 “(3) programs of regional or national testing
5 and investigations to (i) detect and document dif-
6 ferences in the treatment of persons seeking to rent
7 or purchase housing or obtain or refinance a home
8 mortgage loan, and measure patterns of differential
9 treatment because of the status of a renter, home
10 buyer, or borrower as a person protected under the
11 Fair Housing Act (42 U.S.C. 3601 et seq.), and (ii)
12 measure the prevalence, nature, and extent of dis-
13 crimination practices covered under the Fair Hous-
14 ing Act.

15 The results of any testing and investigations pursuant to
16 paragraph (3) may be used as the basis for the Secretary,
17 or any Federal agency authorized to bring such an en-
18 forcement action, or any State or local government or
19 agency, public or private nonprofit organization or institu-
20 tion, or other aggrieved parties as defined by title VIII
21 of the Civil Rights Act of 1968 or other substantially
22 equivalent State or local fair housing law, or other public
23 or private entity that the Secretary has entered into a con-
24 tract or cooperative agreement with under this section to
25 commence, undertake, or pursue any investigation or en-

1 enforcement action to remedy any discriminatory housing
2 practice (as such term is defined in section 802 of the
3 Fair Housing Act (42 U.S.C. 3602)) uncovered as a result
4 of such testing and investigations. Testing conducted pur-
5 suant to paragraph (3) shall not constitute a violation of
6 any provision of criminal law or the Truth in Lending Act
7 (15 U.S.C. 1601 et seq.)”.

8 (b) REGULATIONS.—Not later than the expiration of
9 the 180-day period beginning on the date of the enactment
10 of this Act, the Secretary of Housing and Urban Develop-
11 ment shall issue regulations that apply the minimum
12 tester training standards required under section 125.107
13 of title 24, Code of Federal Regulations, to organizations
14 conducting testing under section 561(a)(3) of the Housing
15 and Community Development Act of 1987, as added by
16 the amendment made by subsection (a)(4) of this section.
17 Any subsequent amendments, changes, and updates to
18 such minimum standards shall apply to all activities under
19 such section 561.

20 **SEC. 3. FAIR HOUSING INITIATIVES PROGRAM.**

21 (a) AMENDMENTS TO PROGRAM.—Section 561 of the
22 Housing and Community Development Act of 1987 (42
23 U.S.C. 3616a) is amended—

24 (1) in subsection (b)—

25 (A) in paragraph (1)—

1 (i) by striking “private nonprofit” and
2 inserting “qualified”; and

3 (ii) by inserting “(as such term is de-
4 fined in subsection (h) of this section)”
5 after “enforcement organizations,”; and

6 (B) in paragraph (2), by striking “private
7 nonprofit” and inserting “qualified”;

8 (2) in subsection (c), by adding at the end the
9 following:

10 “(3) PROGRAM-EARNED INCOME.—No restric-
11 tions on the use of program-earned income received
12 by qualified fair housing enforcement organizations
13 shall apply after the grant period for such organiza-
14 tion ends.”.

15 (3) in subsection (d)—

16 (A) in paragraph (1)—

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

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

21 (iii) by adding after subparagraph (D)
22 the following:

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

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

4 (C) in paragraph (3), by striking “or other
5 public or private entities” and inserting “or
6 other public or private nonprofit entities”; and

7 (D) by adding at the end the following:

8 “(4) LIMITATION.—Notwithstanding any other
9 provision of this section, a State or local agency cer-
10 tified by the Secretary under section 810(f) of the
11 Fair Housing Act may receive assistance under this
12 subsection only to carry out activities eligible for as-
13 sistance under this subsection in areas in which no
14 qualified fair housing enforcement organization is
15 available to carry out such activities.

16 “(5) ELIGIBILITY.—Notwithstanding any other
17 provision of this section, if an award of funding
18 under subsection (b) for multiple fiscal years has
19 been made to a qualified fair housing enforcement
20 organization, such organization is, subject only to
21 the availability of amounts provided in appropriation
22 Acts, eligible to receive funding under this sub-
23 section for each fiscal year covered by such award
24 under subsection (b).”;

25 (4) in subsection (e)—

1 (A) in paragraph (1) by striking “Banking,
2 Finance and Urban Affairs” and inserting “Fi-
3 nancial Services”; and

4 (B) by adding at the end the following:

5 “(2) PRIORITY.—In providing assistance under
6 this section with respect to metropolitan statistical
7 areas for which there are multiple applications for
8 such assistance, the Secretary shall give priority to
9 applications submitted by qualified fair housing en-
10 forcement organizations that have experience in con-
11 ducting fair housing enforcement activities.”;

12 (5) by striking subsection (g) and inserting the
13 following:

14 “(g) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—There are authorized to be
16 appropriated to carry out this section—

17 “(A) \$77,500,000 for each of fiscal years
18 2023 through 2027, of which—

19 “(i) \$74,500,000 shall be available for
20 any activities under this section other than
21 programs under subsection (a)(3), of
22 which—

23 “(I) not less than \$51,500,000
24 shall be for private enforcement initia-
25 tives authorized under subsection (b);

1 “(II) not less than \$2,000,000
2 shall be for the fair housing organiza-
3 tions initiative under subsection (c);

4 “(III) not less than \$13,500,000
5 shall be for the education and out-
6 reach initiative under subsection (d),
7 of which—

8 “(aa) at least \$10,800,000
9 shall be for local education and
10 outreach activities; and

11 “(bb) at least \$2,700,000
12 shall be for national media activi-
13 ties; and

14 “(IV) any remaining amounts
15 shall be used for any program activi-
16 ties authorized under this section;

17 “(ii) \$3,000,000 shall be available
18 only for programs under subsection (a)(3);
19 and

20 “(iii) \$800,000 shall be available only
21 for the development and maintenance of
22 information and technology systems of the
23 Secretary to manage grant amounts; and

24 “(B) \$106,000,000 for each of fiscal years
25 2028 through 2033, of which—

1 “(i) for each such fiscal year,
2 \$101,000,000 shall be available for any ac-
3 tivities under this section other than pro-
4 grams under subsection (a)(3), of which—
5 “ (I) not less than \$70,000,000
6 shall be for private enforcement initia-
7 tives authorized under subsection (b);
8 “ (II) not less than \$2,750,000
9 shall be for the fair housing organiza-
10 tions initiative under subsection (c);
11 “ (III) not less than \$19,000,000
12 shall be for the education and out-
13 reach initiative under subsection (d),
14 of which—
15 “ (aa) at least \$15,000,000
16 shall be for local education and
17 outreach activities; and
18 “ (bb) at least \$4,000,000
19 shall be for national media activi-
20 ties; and
21 “ (IV) any remaining amounts
22 shall be used for any program activi-
23 ties authorized under this section; and

1 “(ii) for each such fiscal year
2 \$5,000,000 shall be available only for pro-
3 grams under subsection (a)(3).

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) AWARD OF FUNDING.—Within 90 days
8 after the date of the enactment of any Act making
9 amounts available to carry out this section, the Sec-
10 retary shall issue a Notice of Funding Availability
11 with respect to such amounts and, within 180 days
12 after such date of enactment, the Secretary shall
13 award such amounts.”;

14 (6) in subsection (h)(1), in the matter following
15 subparagraph (C), by inserting “and meets the cri-
16 teria described in subparagraphs (A) and (C)” be-
17 fore the period at the end; and

18 (7) in subsection (j)—

19 (A) in the matter preceding paragraph (1),
20 by inserting “regarding such preceding fiscal
21 year,” after “comprehensive report”; and

22 (B) in paragraph (2), by striking “and the
23 use of such funds during the preceding fiscal
24 year” and inserting “, the use of such funds
25 during the preceding fiscal year, and outcomes

1 such as the number of housing units made
2 available and accessible to persons protected
3 under the Fair Housing Act (42 U.S.C. 3601 et
4 seq.)”.

5 (b) STUDY.—

6 (1) IN GENERAL.—The Secretary of Housing
7 and Urban Development shall conduct a study to de-
8 termine the feasibility, efficiency, and effectiveness
9 of converting the Fair Housing Initiatives Program
10 under section 561 of the Housing and Community
11 Development Act of 1987 (42 U.S.C. 3616a) into a
12 noncompetitive, entitlement program to provide gen-
13 eral operating funding to qualified fair housing orga-
14 nizations, the appropriate levels of funding for such
15 a program taking into consideration the number of
16 such qualified funding recipients, and what factors
17 should be considered in providing for an equitable
18 distribution to qualified recipients of funding. The
19 Secretary shall submit a report to the Congress set-
20 ting forth the results of the study under this sub-
21 section not later than the expiration of the 12-month
22 period beginning on the date of the enactment of
23 this Act, which shall include any recommendations
24 regarding such conversion of the program.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary of Housing and Urban Development
4 \$3,000,000 for fiscal year 2023 to carry out the
5 study under paragraph (1), which amounts shall re-
6 main available until September 30, 2024.

7 **SEC. 4. SENSE OF CONGRESS.**

8 It is the sense of Congress that the Secretary of
9 Housing and Urban Development should—

10 (1) fully comply with the requirements of sec-
11 tion 561(d) of the Housing and Community Develop-
12 ment Act of 1987 (42 U.S.C. 3616a(d)) to establish,
13 design, and maintain a national education and out-
14 reach program to provide a centralized, coordinated
15 effort for the development and dissemination of—

16 (A) materials and information about the
17 fair housing rights of individuals who seek to
18 rent, purchase, sell, or facilitate the sale of a
19 home; and

20 (B) materials and information about the
21 fair housing responsibilities of industry profes-
22 sionals providing products and services covered
23 under the Fair Housing Act 42 U.S.C. 3601 et
24 seq.);

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

4 (3) fully reinstate the regulations promulgated
5 on July 16, 2015 (80 Fed. Reg. 42271), regarding
6 the fair housing obligations of each recipient of Fed-
7 eral housing and community development funds to
8 affirmatively further fair housing, as that term is
9 defined under title VIII of the Civil Rights Act of
10 1968 (42 U.S.C. 3601 et seq.); and

11 (4) fully comply with the requirements of sec-
12 tion 810(a) of the Fair Housing Act (42 U.S.C.
13 3610(a)).

14 **SEC. 5. GRANTS TO PUBLIC AND PRIVATE ENTITIES TO**
15 **STUDY HOUSING DISCRIMINATION.**

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

20 (1) conducting studies that examine issues re-
21 garding housing discrimination, residential segrega-
22 tion of lower income populations, and community
23 displacement and the Fair Housing Act, including—

24 (A) the causes of housing discrimination,
25 such residential segregation, and community

1 displacement, including their effects on persons
2 protected under the Fair Housing Act, and
3 their effects on education, poverty, economic de-
4 velopment, health, and other socioeconomic fac-
5 tors;

6 (B) the incidence, causes, and effects of
7 housing discrimination, such residential seg-
8 regation, and community displacement based on
9 personal characteristics not explicitly identified
10 by the Fair Housing Act, including—

11 (i) veteran and military status; and

12 (ii) source of income;

13 (C) the ways in which the use of algo-
14 rithms and artificial intelligence in the housing
15 and mortgage lending markets impact the avail-
16 ability of housing for persons protected under
17 the Fair Housing Act, including the use of dig-
18 ital and online platforms in the advertising and
19 provision of housing and other services covered
20 under the Fair Housing Act; or

21 (D) any additional topics of study related
22 to the implementation and expansion of the
23 Fair Housing Act; or

24 (2) implementing pilot projects that test solu-
25 tions that will help prevent or alleviate housing dis-

1 crimination, such residential segregation, and com-
2 munity displacement.

3 A grant under this section may provide funding to an or-
4 ganization for only activities under paragraph (1) or para-
5 graph (2) or for activities under both paragraph (1) and
6 (2).

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—

12 (A) a description of the issues the appli-
13 cant will address and a justification for the
14 need to address such issues;

15 (B) a description of the applicant's experi-
16 ence in formulating or carrying out programs or
17 activities described in this section;

18 (C) identification of the geographical area
19 and period of time to be studied; and

20 (D) a statement of how much the applicant
21 has secured in matching non-Federal funds for
22 the grant, if any, which may include monetary
23 donations and in-kind contributions; and

24 (2) meet the requirements of a qualified fair
25 housing enforcement organization, as such term is

1 defined in section 561(h) of the Housing and Com-
2 munity Development Act of 1987 (42 U.S.C.
3 3616a(h)).

4 (c) PARTNERSHIPS WITH ACADEMIC INSTITU-
5 TIONS.—A public or private nonprofit organization apply-
6 ing for a grant under this section may partner with an
7 academic or educational organization or institution for the
8 purpose of carrying out activities assisted with such grant
9 amounts.

10 (d) REPORT.—The Secretary of Housing and Urban
11 Development shall submit a report to the Congress on a
12 biennial basis that provides a detailed summary of the re-
13 sults of the comprehensive studies and pilot projects car-
14 ried out under subsection (a), together with any rec-
15 ommendations or proposals for legislative or administra-
16 tive actions to address any issues raised by such studies.
17 The Secretary may submit the reports required under this
18 subsection as part of the reports prepared in accordance
19 with paragraphs (2) and (6) of section 808(e) of the Fair
20 Housing Act (42 U.S.C. 3608(e)) and section 561(j) of
21 the Housing and Community Development Act of 1987
22 (42 U.S.C. 3616a(j)).

23 (e) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out the provi-

1 sions of this section \$5,000,000 for each of fiscal years
2 2023 through 2027.

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

4 None of the funds made available under this Act, or
5 the amendments made by this Act, may be used for any
6 political activities, political advocacy, or lobbying (as such
7 terms are defined by Circular A-122 of the Office of Man-
8 agement and Budget, entitled “Cost Principles for Non-
9 Profit Organizations”), or for expenses for travel to en-
10 gage in political activities or preparation of or provision
11 of advice on tax returns.

