

116TH CONGRESS  
1ST SESSION

# H. R. 149

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

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

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## 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 2019” or the “Housing  
7 Fairness Act of 2019”.

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          2020 through 2024.

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 2020  
19 through 2024, 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 2020 through 2024. 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 2020 through 2024.

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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