

.....
(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To restore the fair housing mission of the Department of Housing and Urban Development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. MAXINE WATERS of California introduced the following bill; which was referred to the Committee on _____

A BILL

To restore the fair housing mission of the Department of Housing and Urban Development, 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 “Restoring Fair Hous-
5 ing Protections Eliminated by HUD Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The current Administration has taken sev-
2 eral steps that seriously undermine fair housing pro-
3 tections for all people in America.

4 (2) On March 10, 2017, the Department of
5 Housing and Urban Development withdrew a Fed-
6 eral Register notice regarding a proposal to require
7 owners and operators of homeless shelters receiving
8 funding from the Department of Housing and
9 Urban Development to post a notice informing indi-
10 viduals of their rights under the Department of
11 Housing and Urban Development’s rule entitled
12 “Equal Access in Accordance with an Individual’s
13 Gender Identity in Community Planning and Devel-
14 opment Programs”.

15 (3) On January 5, 2018, the Department of
16 Housing and Urban Development published a Fed-
17 eral Register notice that delayed implementation of
18 the Affirmatively Furthering Fair Housing rule for
19 local governments, which carries out a key mandate
20 under the Fair Housing Act.

21 (4) On March 6, 2018, the Huffington Post re-
22 ported that a leaked Department of Housing and
23 Urban Development internal memo indicated that
24 the Department’s mission statement would be
25 changed to remove language referring to “inclusive

1 and sustainable communities free from discrimina-
2 tion.”

3 (5) On March 28, 2018, the New York Times
4 reported that the Department of Housing and
5 Urban Development is attempting to scale back Fed-
6 eral efforts to enforce fair housing laws by freezing
7 enforcement actions against local governments and
8 businesses.

9 (6) On May 23, 2018, the Department of Hous-
10 ing and Urban Development issued a notice stating
11 that it is withdrawing the “Local Government As-
12 sessment Tool” which assists local governments in
13 meeting their obligations under the Fair Housing
14 Act’s mandate to affirmatively further fair housing.

15 **SEC. 3. MISSION OF THE DEPARTMENT OF HOUSING AND**
16 **URBAN DEVELOPMENT.**

17 Section 2 of the Department of Housing and Urban
18 Development Act (42 U.S.C. 3531) is amended—

19 (1) in the section heading, by inserting “; MIS-
20 SION OF DEPARTMENT” after “PURPOSE”;

21 (2) by inserting “(a) PURPOSE.—” after “SEC.
22 2.”; and

23 (3) by adding at the end the following new sub-
24 section:

1 “(b) MISSION OF DEPARTMENT.—The mission of the
2 Department of Housing and Urban Development shall be
3 to create strong, sustainable, inclusive communities and
4 quality affordable homes for all. The Department shall
5 work to strengthen the housing market to bolster the econ-
6 omy and protect consumers, meet the need for quality af-
7 fordable rental homes, utilize housing as a platform for
8 improving quality of life, build inclusive and sustainable
9 communities free from discrimination, and transform the
10 way the Department does business.”.

11 **SEC. 4. IMPLEMENTATION OF AFFIRMATIVELY FUR-**
12 **THERING FAIR HOUSING REGULATION.**

13 Not later than 90 days after the date of the enact-
14 ment of this Act, the Secretary of Housing and Urban
15 Development shall require local government consolidated
16 plan participants required to submit an assessment of fair
17 housing pursuant to the final rule entitled “Affirmately
18 Furthering Fair Housing” (24 C.F.R. 5.150 through
19 5.180) to submit such a plan.

20 **SEC. 5. REINSTATEMENT OF FAIR HOUSING ASSESSMENT**
21 **TOOL.**

22 Not later than 30 days after the date of the enact-
23 ment of this Act, the Secretary of Housing and Urban
24 Development shall restore the availability of the Local
25 Government Assessment Tool for use by local governments

1 in conducting assessments of fair housing under the Af-
2 firmatively Furthering Fair Housing regulations.

3 **SEC. 6. REISSUANCE OF NOTICE ON SEXUAL ORIENTATION**
4 **AND GENDER IDENTITY EQUAL ACCESS**
5 **RULE.**

6 Not later than 30 days after the date of the enact-
7 ment of this Act, the Secretary of Housing and Urban
8 Development shall reissue the “Notice on Equal Access
9 Regardless of Sexual Orientation, Gender Identity, or
10 Marital Status for HUD’s Community Planning and De-
11 velopment Programs” as revised by publication in the
12 Federal Register on February 7, 2017. The Secretary
13 shall finalize such notice as soon as practicable.

14 **SEC. 7. REVIEW OF ONLINE COMPLAINTS OF VIOLATIONS**
15 **OF FAIR HOUSING ACT.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Secretary of Housing and Urban
18 Development shall submit to Congress a report which con-
19 tains—

20 (1) a review of the complaints filed with the
21 Secretary under section 810 of the Fair Housing
22 Act (42 U.S.C. 3610) during the 5 year period pre-
23 ceding the date of the enactment of this Act that al-
24 leged a discriminatory housing practice involving an
25 online platform; and

1 (2) an analysis of trends and risks related to
2 discrimination occurring in connection with the use
3 of online platforms to rent or purchase housing, the
4 sufficiency of the Fair Housing Act to remedy dis-
5 crimination during the rental or purchase of housing
6 through online platforms, and steps the Secretary
7 plans to take to address such discrimination.

8 **SEC. 8. PUBLICLY AVAILABLE DATABASE FOR FAIR HOUS-**
9 **ING COMPLAINTS.**

10 (a) IN GENERAL.—The Secretary of Housing and
11 Urban Development shall develop, and update on an an-
12 nual basis, a database that is publicly available on the
13 website of the Department of Housing and Urban Devel-
14 opment, which includes, subject to applicable confiden-
15 tiality constraints, for the previous year, the following:

16 (1) The total number of complaints alleging vio-
17 lations of the Fair Housing Act that were received
18 by the Department of Housing and Urban Develop-
19 ment, disaggregated with respect to both number
20 and percentage, by each class of persons protected
21 under such Act.

22 (2) The number and percentage of the total
23 number complaints referred to in paragraph (1) that
24 were made by tenants of, and applicants for pro-

1 grams for, covered housing, disaggregated by the
2 program for assistance for the covered housing.

3 (3) For each State, the number and percentage
4 of the total number of complaints referred to in
5 paragraph (1) that were made by residents of such
6 State.

7 (4) The number and percentage of the total
8 number complaints referred to in paragraph (1) that
9 alleged that the complainant was retaliated against
10 after reporting the alleged violation and, of such
11 number, the number and percentage that alleged
12 that the complainant was retaliatorily evicted.

13 (5) The status of the complaints referred to in
14 paragraph (1), including a detailed description of
15 the resolutions and remedies provided and, for com-
16 plaints that were administratively closed, of the rea-
17 sons for such closures.

18 (6) The number and percentage of the total
19 number complaints referred to in paragraph (1) that
20 were handled by State or local agencies assisted
21 under the Fair Housing Assistance Program author-
22 ized under sections 810 and 817 of the Fair Hous-
23 ing Act (42 U.S.C. 3610, 3616).

24 (7) The number and percentage of the total
25 number of complaints regarding discrimination in

1 the sale or rental of housing that were referred to
2 the Department of Justice by the Department of
3 Housing and Urban Development and the number
4 and percentage of such total number of complaints
5 handled by the Department of Justice that were not
6 referred by the Department of Housing and Urban
7 Development.

8 (b) COVERED HOUSING.—For purposes of this Act,
9 the term “covered housing” means—

10 (1) housing assisted under the program for sup-
11 portive housing for the elderly under section 202 of
12 the Housing Act of 1959 (12 U.S.C. 1701q), includ-
13 ing the direct loans program under such section 202
14 as in effect before the enactment of the Cranston-
15 Gonzalez National Affordable Housing Act (Public
16 Law 101–625; November 28, 1990);

17 (2) housing assisted under the program for sup-
18 portive housing for persons with disabilities under
19 section 811 of the Cranston-Gonzalez National Af-
20 fordable Housing Act (42 U.S.C. 8013);

21 (3) housing assisted under the program for
22 housing opportunities for people with AIDS/HIV
23 under subtitle D of title VIII of the Cranston-Gon-
24 zalez National Affordable Housing Act (42 U.S.C.
25 (42 U.S.C. 12901 et seq.);

1 (4) housing assisted under any of the programs
2 under subtitles B through F of title IV of the
3 McKinney-Vento Homeless Assistance Act (42
4 U.S.C. 11371 et seq.);

5 (5) housing assisted under the HOME Invest-
6 ments Partnerships program under subtitle A of title
7 II of the Cranston-Gonzalez National Affordable
8 Housing Act (42 U.S.C. 12741 et seq.);

9 (6) housing assisted under the rent supplement
10 program under section 101 of the Housing and
11 Urban Development Act of 1965 (12 U.S.C. 1701s);

12 (7) housing financed by a loan or mortgage
13 that is insured under section 221(d)(3) of the Na-
14 tional Housing Act (12 U.S.C. 1715l(d)(3)) that
15 bears interest at a rate determined under the proviso
16 of paragraph (5) of such section 221(d);

17 (8) housing insured, assisted, or held by the
18 Secretary or a State or State agency under the mul-
19 tifamily rental assistance program under section 236
20 of the National Housing Act (12 U.S.C. 1715z-1);
21 -Section 236 multifamily rental housing;

22 (9) public housing assisted under title I of the
23 United States Housing Act of 1937 (42 U.S.C. 1437
24 et seq.);

1 (10) a dwelling unit assisted under the Housing
2 Choice Voucher program for rental assistance under
3 section 8(o) of the United States Housing Act of
4 1937 (42 U.S.C. 1437f(o));

5 (11) housing assisted with project-based rental
6 assistance provided under section 8 of the United
7 States Housing Act of 1937 (42 U.S.C. 1437f);

8 (12) housing assisted with funds from the
9 Housing Trust Fund as established under section
10 1338 of the Federal Housing Enterprises Financial
11 Safety and Soundness Act of 1992 (12 U.S.C.
12 4568);

13 (13) housing assisted under any of the rural
14 housing assistance programs under section 514, 515,
15 516, 533, 538, or 542 of the Housing Act of 1949
16 (42 U.S.C. 1484, 1485, 1486, 1490m, 1490p-2,
17 1490r);

18 (14) any housing project for which equity is
19 provided through any low-income housing tax credit
20 pursuant to section 42 of the Internal Revenue Code
21 of 1986 (26 U.S.C. 42);

22 (15) housing assisted under the Comprehensive
23 Service Programs for Homeless Veterans program
24 under subchapter II of chapter 20 of title 38, United
25 States Code (38 U.S.C. 2011 et seq.);

1 (16) housing and facilities assisted under the
2 grant program for homeless veterans with special
3 needs under section 2061 of title 38, United States
4 Code;

5 (17) permanent housing for which assistance is
6 provided under the program for financial assistance
7 for supportive services for very low-income veteran
8 families in permanent housing under section 2044 of
9 title 38, United States Code; and

10 (18) housing assisted under such other Federal
11 housing programs, and federally subsidized dwelling
12 units providing affordable housing to low-income
13 persons by means of restricted rents or rental assist-
14 ance, as may be identified for purposes of this sec-
15 tion by the appropriate agency;