

## OPINION

# Trump administration housing rule change would weaken important tool

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President Donald Trump speaks with reporters on the South Lawn of the White House in Washington on Friday, Oct. 11, 2019, before departing for a campaign rally in Lake Charles, La. (Photo: Jacquelyn Martin, AP)

For half a century, the federal Fair Housing Act has been the best legal tool we have to fight housing discrimination in rentals, home sales and home financing.

One of the most important legal principles in this landmark law has been "[disparate impact \(https://www.defendcivilrights.org/facts\)](https://www.defendcivilrights.org/facts)," which prohibits policies that appear neutral at face value but disproportionately impact and disadvantage protected groups.

It has helped us make important strides in combating housing discrimination across Michigan, holding bad actors accountable. But now, disparate impact is at risk — along with our ability to successfully fight discrimination. The Trump administration is now [considering whether to gut disparate impact \(https://www.politico.com/story/2019/08/16/hud-proposes-rule-setting-higher-bar-for-housing-discrimination-claims-1665155\)](https://www.politico.com/story/2019/08/16/hud-proposes-rule-setting-higher-bar-for-housing-discrimination-claims-1665155), apparently urged on by corporate actors. We must act now to urge the current administration to reject this harmful policy change.

**More:** [Detroit street that rejected Rosa Bragg will wear her name \(/story/opinion/2019/10/10/rosa-bragg-detroit-street-renamed/3916936002/\)](/story/opinion/2019/10/10/rosa-bragg-detroit-street-renamed/3916936002/)

**More:** [Detroit City Council aims to address big issues facing Detroiters with 'People's Bills' \(/story/news/local/michigan/detroit/2019/09/30/detroit-city-council-water-affordability-plan/3814833002/\)](/story/news/local/michigan/detroit/2019/09/30/detroit-city-council-water-affordability-plan/3814833002/)

As part of our work at the four independent Michigan fair housing centers, we have successfully used disparate impact to protect clients who were denied the opportunity to live in the home best suited to their needs through no fault of their own. We have decades of on the ground experience from Detroit to Lansing and Grand Rapids to Kalamazoo. In every corner of the state, we encounter the same challenges and obstacles to housing equality.

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Disparate impact is such an important legal tool for our organizations to serve clients because it focuses on the outcome of policies. Public nuisance rules and rules about criminal activity in an apartment, for example, appear neutral at first. It seems natural that buildings would want to limit noise and crime.

But in domestic violence cases, these rules become a tool that abusers weaponize to threaten a partner's housing and prevent them from calling the police. We have intervened on behalf of domestic violence survivors with landlords' multiple times over our careers — and each time, disparate impact provided the key legal tool to keep survivors safe in their homes and away from their abusers.

In Michigan, disparate impact also helps when families with children are denied a lease because of unreasonable occupancy restrictions, which sharply reduce available, affordable housing stock. Leases limiting occupancy to one child per bedroom, for example, block families with children from entire areas due to the limited number of three-bedroom units.

**More:** [New program could keep thousands of Detroiters in their homes \(/story/opinion/columnists/nancy-kaffer/2019/10/09/wayne-county-detroit-tax-foreclosure-auction-duggan/3910728002/\)](#)

**More:** [Michigan case has US Supreme Court justices struggling with transgender issues \(/story/news/local/michigan/2019/10/08/supreme-court-lgbt-transgender-aimée-stephens/3908455002/\)](#)

Our organizations have also worked with single mothers barred from sharing a one-bedroom apartment with their infant. In all of these cases, disparate impact has been our leverage with landlords to enable Michigan families to rent the unit best suited for them close to employment and education opportunities.

Fair housing looks like a community where unnecessary and illegal obstacles that stand in the way to housing choice have been removed and people have equitable access to opportunity. There is still a long way to go in Michigan and around the country in achieving this vision — but disparate impact significantly helps to bridge this gap.

[The proposed change \(https://www.washingtonpost.com/business/2019/08/16/hud-raises-bar-bringing-discrimination-claims/\)](#) to disparate impact would make it impossible to confront many of the obstacles currently standing in the way of fair housing in Michigan. We would lose the ability to intervene when families are turned away because of unreasonable occupancy rules, when people with disabilities are denied the accommodations needed for an accessible unit, and when victims of domestic violence are threatened with eviction for the actions of an abusive partner.

In 2015, the U.S. Supreme Court upheld the use of disparate impact to address housing discrimination. But now well financed corporate interests would like nothing better than to have the current administration water down and ultimately dispense with disparate impact as quietly as possible.

There's still time, however, to make your voice heard in protecting this vital civil rights tool. The Department of Housing and Urban Development (HUD) is accepting public comments on this proposed policy change until October 18th.

Submitting a comment goes a long way towards letting HUD and administration know how Michigan citizens feel about this proposed rule change. Make your voice heard to combat corporate interests and housing providers who seek to undo the positive steps we have made for fair housing.

