

July 13, 2020

Vince Malta
2020 President

Bob Goldberg
Chief Executive Officer

ADVOCACY GROUP

William E. Malkasian
Chief Advocacy Officer / SVP

Shannon McGahn
SVP Government Affairs

He Honorable Brian Montgomery
Deputy Secretary
U.S. Department of Housing and Urban Development
Washington, DC 20410

RE: Implementation of the Fair Housing Act's Disparate Impact Standard

Dear Mr. Montgomery:

The National Association of REALTORS® thanks HUD again for the opportunity in October to comment on its proposed rule to amend the HUD interpretation of the Fair Housing Act's disparate impact standard. At that time, HUD described the rule as necessary to reflect how the Department would apply the Supreme Court's 2015 ruling in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* in disparate impact cases under the Fair Housing Act.

While there is debate among industry, government, and advocates as to whether additional clarity is needed with respect to disparate impact claims, there is broad consensus across the country that now is not the time to issue a regulation that could hinder further progress on addressing ongoing systemic racism in our country.

The tragic killings of George Floyd and Breonna Taylor, among others, coupled with a pandemic that has taken a disproportionate toll on minority populations, have been painful reminders of the devastating impact of discrimination and segregation on racial minorities in nearly every facet of American life. NAR continues to reckon with the role it played decades ago in segregating our metropolitan areas and the ongoing housing discrimination a recent Newsday story reminded us still exists.

As the nation's largest membership trade association, with 1.4 million members, NAR is committed to advancing policy that affords everyone the equal opportunity to own and transfer property and to enjoy all the benefits that accrue from homeownership.

We believe now is the time for government, industry, and advocates to explore how we may work together to eliminate unnecessary barriers to housing opportunity and advance policies that allow more Americans to fully participate in the American Dream.

Therefore, we respectfully ask that HUD withdraw its rule to amend the HUD interpretation of the Fair Housing Act's disparate impact standard.



Today, the words of Justice Anthony Kennedy, writing for the Supreme Court in 2015, resonate more urgently. At that time, he wrote, "Much progress remains to be made in our nation's continuing struggle against racial isolation."

NAR welcomes the opportunity to work with HUD, advocates, consumers, and other industry partners in advancing "the Fair Housing Act's continuing role in moving the nation toward a more integrated society."

Sincerely

A handwritten signature in black ink, appearing to read "Vince Malta", written in a cursive style.

Vince Malta
2020 President, National Association of REALTORS®