
Fischer: Reversing Harmful Trump Policies Will Advance Housing Justice

CBPP today released a statement from Will Fischer, Senior Director for Housing Policy and Research, on President Biden's announcement today that he will reverse harmful Trump Administration housing policies.

We applaud President Biden's announcement today that he will reverse harmful Trump Administration housing rules that have undermined efforts to promote racial equity and reverse the nation's legacy of housing discrimination.

Policies that promote fair housing and access to safe, affordable housing are [essential](#) for keeping families safe during COVID-19 and beyond. The Biden Administration has already extended the national eviction moratorium, which was slated to expire at the end of January, through September. Today's announcement — that the Department of Housing and Urban Development's (HUD) new leadership will examine the Trump Administration's harmful regulations and reinstate policies that restore the integrity of the Fair Housing Act — will advance housing justice and support a more equitable economic recovery in the long run.

For four years, the Trump Administration attacked civil rights on many fronts, such as by trying to undermine the Fair Housing Act, remove protections for transgender and nonbinary people seeking shelter, and take housing assistance away from immigrants and their families. Several proposed or final rules would have limited access to housing and abandoned efforts to hold communities, financial institutions, and other entities accountable for discriminatory housing policies.

Today's memorandum from the President directs HUD to quickly reverse two harmful anti-fair-housing rules, which may include using the rulemaking process to replace final rules with policies that promote equitable access to safe, affordable housing.

President Biden's directive covers HUD's rules for Disparate Impact and Affirmatively Furthering Fair Housing.

Disparate Impact Rule

The Trump Administration's many attacks on civil rights included an attempt to weaken the disparate impact standard, a critical tool for enforcing the 1968 Fair Housing Act. [Disparate impact](#) refers to policies or practices that seem neutral but in practice — intentionally or otherwise — negatively and disproportionately affect certain groups. The Trump Administration weakened a 2013 rule that let people bring legal action to stop policies that harm them based on a protected class, such as race, familial status, religion, and disability. President Trump instituted a new disparate impact rule — which has not yet taken effect due to ongoing litigation — that severely limits plaintiffs' ability to both bring and win disparate

impact claims, thereby increasing the challenges that low-income people of color, individuals with disabilities, and others face when seeking a place to live. Restoring the 2013 disparate impact rule, as President Biden directs HUD to do, will help combat discriminatory policies and practices that limit housing choice and opportunity.

Affirmatively Furthering Fair Housing Rule

The Trump Administration rolled back a 2015 rule that implemented a critical piece of the Fair Housing Act known as affirmatively furthering fair housing. Its requirement that communities take affirmative steps toward reversing decades of racist and discriminatory housing policies has been in place since 1968, but the 2015 rule was the first step to hold communities accountable for meeting this obligation. The Trump Administration finalized its replacement rule, which will do little or nothing to expand housing opportunity, without finishing the standard notice and comment rulemaking process it had initiated earlier that year. President Biden’s commitment to reinstating the 2015 rule is needed to help disrupt and dismantle racist and discriminatory housing policies.

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