

HOUSING FAIRNESS ACT OF 2020

DECEMBER 17, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Ms. WATERS, from the Committee on Financial Services,
 submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 149]

[Including cost estimate of the Congressional Budget Office]

The Committee on Financial Services, to whom was referred the bill (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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	5
Background and Need for Legislation	5
Section-by-Section Analysis	7
Hearings	8
Committee Consideration	8
Committee Votes	9
Statement of Oversight Findings and Recommendations of the Committee	14
Statement of Performance Goals and Objectives	14
New Budget Authority and CBO Cost Estimate	14
Committee Cost Estimate	15
Unfunded Mandate Statement	15
Advisory Committee	16
Committee Correspondence	16
Application of Law to the Legislative Branch	16
Earmark Statement	16
Duplication of Federal Programs	16
Changes to Existing Law	16

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Housing Fairness Act of 2020”.

SEC. 2. TESTING FOR DISCRIMINATION.

(a) **ELIGIBLE ACTIVITY UNDER FHIP.**—Subsection (a) of section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting after “discriminatory housing practices” the following: “or, in the case of grants or contracts for activities under paragraph (3) with qualified private, non-profit fair housing enforcement organizations that have demonstrated expertise in managing and implementing regional or national testing programs to address systemic fair housing issues”;

(2) in paragraph (1), by striking “and” at the end;

(3) in paragraph (2), by striking the period at the end and inserting “; and”;

and

(4) by adding at the end the following:

“(3) programs of regional or national testing and investigations to (i) detect and document differences in the treatment of persons seeking to rent or purchase housing or obtain or refinance a home mortgage loan, and measure patterns of differential treatment because of the status of a renter, home buyer, or borrower as a member of the protected classes under the Fair Housing Act (42 U.S.C. 3601 et seq.), and (ii) measure the prevalence, nature, and extent of discriminatory practices covered under the Fair Housing Act.

The results of any testing and investigations pursuant to paragraph (3) may be used as the basis for the Secretary, or any Federal agency authorized to bring such an enforcement action, or any State or local government or agency, public or private nonprofit organization or institution, or other aggrieved parties as defined by title VIII of the Civil Rights Act of 1968 or other substantially equivalent State or local fair housing law, or other public or private entity that the Secretary has entered into a contract or cooperative agreement with under this section to commence, undertake, or pursue any investigation or enforcement action to remedy any discriminatory housing practice (as such term is defined in section 802 of the Fair Housing Act (42 U.S.C. 3602)) uncovered as a result of such testing and investigations. Testing conducted pursuant to paragraph (3) shall not constitute a violation of any provision of criminal law or the Truth in Lending Act (15 U.S.C. 1601 et seq.).”

(b) **REGULATIONS.**—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue regulations that apply the minimum tester training standards required under section 125.107 of title 24, Code of Federal Regulations, to organizations conducting testing under section 561(a)(3) of the Housing and Community Development Act of 1987, as added by the amendment made by subsection (a)(4) of this section. Any subsequent amendments, changes, and updates to such minimum standards shall apply to all activities under such section 561.

SEC. 3. FAIR HOUSING INITIATIVES PROGRAM.

(a) **AMENDMENTS TO PROGRAM.**—Section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “qualified” before “private nonprofit fair housing enforcement organizations,”; and

(B) in paragraph (2), by inserting “qualified” before “private nonprofit fair housing enforcement organizations,”;

(2) in subsection (c), by adding at the end the following:

“(3) **PROGRAM-EARNED INCOME.**—No restrictions on the use of program-earned income received by qualified fair housing enforcement organizations shall apply after the grant period for such organization ends.”;

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period and inserting “; and”;

and

(iii) by adding after subparagraph (D) the following:

“(E) websites and other media outlets.”;

(B) in paragraph (2), by striking “or other public or private entities” and inserting “or other public or private nonprofit entities”;

(C) in paragraph (3), by striking “or other public or private entities” and inserting “or other public or private nonprofit entities”; and

(D) by adding at the end the following:

“(4) LIMITATION.—Notwithstanding any other provision of this section, a State or local agency certified by the Secretary under section 810(f) of the Fair Housing Act may receive assistance under this subsection only to carry out activities eligible for assistance under this subsection in areas in which no qualified fair housing enforcement organization is available to carry out such activities.

“(5) ELIGIBILITY.—Notwithstanding any other provision of this section, if an award of funding under subsection (b) for multiple fiscal years has been made to a qualified fair housing enforcement organization, such organization is, subject only to the availability of amounts provided in appropriation Acts, eligible to receive funding under this subsection for each fiscal year covered by such award under subsection (b).”;

(4) in subsection (e)—

(A) in paragraph (1) by striking “Banking, Finance and Urban Affairs” and inserting “Financial Services”; and

(B) by adding at the end the following:

“(2) PRIORITY.—In providing assistance under this section with respect to metropolitan statistical areas for which there are multiple applications for such assistance, the Secretary shall give priority to applications submitted by qualified fair housing enforcement organizations that have experience in conducting fair housing enforcement activities.”;

(5) by striking subsection (g) and inserting the following:

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(A) \$58,000,000 for each of fiscal years 2021 through 2025, of which—

“(i) \$55,000,000 shall be available for any activities under this section other than programs under subsection (a)(3), of which—

“(I) not less than \$38,000,000 shall be for private enforcement initiatives authorized under subsection (b);

“(II) not less than \$1,500,000 shall be for the fair housing organizations initiative under subsection (c);

“(III) not less than \$10,000,000 shall be for the education and outreach initiative under subsection (d), of which—

“(aa) at least \$8,000,000 shall be for local education and outreach activities; and

“(bb) at least \$2,000,000 shall be for national media activities; and

“(IV) any remaining amounts shall be used for any program activities authorized under this section; and

“(ii) \$3,000,000 shall be available only for programs under subsection (a)(3); and

“(B) \$70,000,000 for each of fiscal years 2026 through 2031, of which—

“(i) for each such fiscal year, \$65,000,000 shall be available for any activities under this section other than programs under subsection (a)(3), of which—

“(I) not less than \$44,000,000 shall be for private enforcement initiatives authorized under subsection (b);

“(II) not less than \$1,500,000 shall be for the fair housing organizations initiative under subsection (c);

“(III) not less than \$12,500,000 shall be for the education and outreach initiative under subsection (d), of which—

“(aa) at least \$10,000,000 shall be for local education and outreach activities; and

“(bb) at least \$2,500,000 shall be for national media activities; and

“(IV) any remaining amounts shall be used for any program activities authorized under this section; and

“(ii) for each such fiscal year \$5,000,000 shall be available only for programs under subsection (a)(3).

“(2) AVAILABILITY.—Any amount appropriated under this section shall remain available until expended to carry out the provisions of this section.

“(3) AWARD OF FUNDING.—Within 90 days after the date of the enactment of any Act making amounts available to carry out this section, the Secretary shall issue a Notice of Funding Availability with respect to such amounts and, within 180 days after such date of enactment, the Secretary shall award such amounts.”;

(6) in subsection (h)(1), in the matter following subparagraph (C), by inserting “and meets the criteria described in subparagraphs (A) and (C)” before the period at the end; and

(7) in subsection (j)—

(A) in the matter preceding paragraph (1), by inserting “regarding such preceding fiscal year,” after “comprehensive report”; and

(B) in paragraph (2), by striking “and the use of such funds during the preceding fiscal year” and inserting “, the use of such funds during the preceding fiscal year, and outcomes such as the number of housing units made available and accessible to protected classes under the Fair Housing Act (42 U.S.C. 3601 et seq.)”.

(b) **STUDY.**—The Secretary of Housing and Urban Development shall conduct a study to determine the feasibility, efficiency, and effectiveness of converting the Fair Housing Initiatives Program under section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a) into a noncompetitive, entitlement program to provide general operating funding to qualified fair housing organizations, the appropriate levels of funding for such a program taking into consideration the number of such qualified funding recipients, and what factors should be considered in providing for an equitable distribution to qualified recipients of funding. The Secretary shall submit a report to the Congress setting forth the results of the study under this subsection not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, which shall include any recommendations regarding such conversion of the program.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Housing and Urban Development should—

(1) fully comply with the requirements of section 561(d) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(d)) to establish, design, and maintain a national education and outreach program to provide a centralized, coordinated effort for the development and dissemination of—

(A) materials and information about the fair housing rights of individuals who seek to rent, purchase, sell, or facilitate the sale of a home; and

(B) materials and information about the fair housing responsibilities of industry professionals providing products and services covered under the Fair Housing Act (42 U.S.C. 3601 et seq.);

(2) expend for such education and outreach programs all amounts appropriated for such programs;

(3) fully reinstate the regulations promulgated on July 16, 2015 (80 Fed. Reg. 42271), regarding the fair housing obligations of each recipient of Federal housing and community development funds to affirmatively further fair housing, as that term is defined under title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.); and

(4) fully comply with the requirements of section 810(a) of the Fair Housing Act (42 U.S.C. 3610(a)).

SEC. 5. GRANTS TO PUBLIC AND PRIVATE ENTITIES TO STUDY HOUSING DISCRIMINATION.

(a) **GRANT PROGRAM.**—The Secretary of Housing and Urban Development shall carry out a competitive matching grant program to assist public and private non-profit organizations in—

(1) conducting studies that examine issues regarding housing discrimination and segregation and the Fair Housing Act, including—

(A) the causes of housing discrimination and segregation, including their effects on members of protected classes under the Fair Housing Act, and their effects on education, poverty, economic development, health, and other socioeconomic factors;

(B) the incidence, causes, and effects of housing discrimination and segregation based on personal characteristics not protected under the Fair Housing Act, including—

(i) veteran and military status; and

(ii) source of income;

(C) the ways in which the use of algorithms and artificial intelligence in the housing and mortgage lending markets impact the availability of housing for protected classes under the Fair Housing Act, including the use of digital and online platforms in the advertising and provision of housing and other services covered under the Fair Housing Act; or

(D) any additional topics of study related to the implementation and expansion of the Fair Housing Act; or

(2) implementing pilot projects that test solutions that will help prevent or alleviate housing discrimination and segregation.

A grant under this section may provide funding to an organization for only activities under paragraph (1) or paragraph (2) or for activities under both paragraph (1) and (2).

(b) **ELIGIBILITY.**—To be eligible to receive a grant under this section, a public or private nonprofit organization shall—

(1) submit an application to the Secretary of Housing and Urban Development, containing—

(A) the issues the applicant will address and a justification for the need to address such issues;

(B) the applicant’s experience in formulating or carrying out programs or activities described in this section; and

(C) the geographical area and period of time to be studied;

(2) agree to provide matching non-Federal funds for 10 percent of the total amount of the grant, which matching funds may include monetary donations and items donated on an in-kind contribution basis; and

(3) meet the requirements of a qualified fair housing enforcement organization, as such term is defined in section 561(h) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(h)).

(c) **PARTNERSHIPS WITH ACADEMIC INSTITUTIONS.**—A public or private nonprofit organization applying for a grant under this section may partner with an academic or educational organization or institution for the purpose of carrying out activities assisted with such grant amounts.

(d) **REPORT.**—The Secretary of Housing and Urban Development shall submit a report to the Congress on a biennial basis that provides a detailed summary of the results of the comprehensive studies and pilot projects carried out under subsection (a), together with any recommendations or proposals for legislative or administrative actions to address any issues raised by such studies. The Secretary may submit the reports required under this subsection as part of the reports prepared in accordance with paragraphs (2) and (6) of section 808(e) of the Fair Housing Act (42 U.S.C. 3608(e)) and section 561(j) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(j)).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out the provisions of this section \$5,000,000 for each of fiscal years 2021 through 2025.

SEC. 6. LIMITATION ON USE OF FUNDS.

None of the funds made available under this Act, or the amendments made by this Act, may be used for any political activities, political advocacy, or lobbying (as such terms are defined by Circular A–122 of the Office of Management and Budget, entitled “Cost Principles for Non-Profit Organizations”), or for expenses for travel to engage in political activities or preparation of or provision of advice on tax returns.

PURPOSE AND SUMMARY

On January 3, 2019, Representative Al Green introduced H.R. 149, the “Housing Fairness Act of 2020,” which would authorize increased funding for the Department of Housing and Urban Development’s (HUD) Fair Housing Initiatives Program (FHIP) and make a number of reforms to FHIP. It would also establish a new competitive matching grant program at HUD to support comprehensive studies of the causes and effects of ongoing discrimination and segregation, and the implementation of pilot projects to test solutions.

BACKGROUND AND NEED FOR LEGISLATION

The Fair Housing Act of 1968 made discrimination in the housing market illegal based on race, color, sex, religion, national origin, disability, and familial status, and required that HUD enforce the law. Later, Congress went on to authorize HUD’s Fair Housing Initiatives Program (FHIP) in 1987 under Section 561 of the Housing and Community Development Act to support the work of private fair housing organizations conducting local fair housing com-

plaint intake, private investigations, and public education and outreach, among other activities.

Since its inception, FHIP has become a central component of the nation's fair housing enforcement infrastructure. FHIP grantee organizations processed over 75 percent of all housing discrimination complaints in 2018—three times the amount of complaints processed by all federal agencies. Yet, FHIP funding levels and the activities allowed under the program constrain enforcement needs in the face of a rapidly evolving U.S. housing market, increased housing discrimination complaints, and documentation of ongoing industry practices that are in direct violation of federal Fair Housing law.

H.R. 149, as reported by the Committee, authorizes a total of \$735 million over 11 fiscal years to support the federal government's responsibility to enforce the Fair Housing Act. This includes: FHIP reauthorization of \$665 million over 11 fiscal years, authorization of \$45 million for new eligible FHIP activities over 11 fiscal years, and authorization of \$25 million over five fiscal years for a new competitive matching grant program. These amounts were requested by NFHA and reflect their estimates of the funding levels necessary to support the activities authorized in this bill. The bill makes several reforms to FHIP that include the addition of eligible activities under a new National Testing Initiative that will allow national investigations into housing discrimination that are currently prohibited. The bill also requires HUD to fully comply with and expend all funds made available for education and outreach activities under FHIP, reinstate the 2015 Affirmatively Furthering Fair Housing Rule, and fully comply with all complaint intake, investigation, and response requirements under the Fair Housing Act. Finally, the bill creates a competitive matching grant program at HUD to support comprehensive, publicly available studies of the causes and effects of ongoing housing discrimination and segregation, as well as the implementation of pilot projects to test solutions.

H.R. 149 is supported by: the National Fair Housing Alliance, The Leadership Conference on Civil and Human Rights, NAACP, the Center for Responsible Lending, the National Low Income Housing Coalition, the National Association of Realtors, the Asian Real Estate Association of America, the National Association of Real Estate Brokers, the National Association of Hispanic Real Estate Professionals, the Appraisal Institute, Americans for Financial Reform, and National CAPACD, the Consortium for Citizens with Disabilities Housing Task Force, the National Action Network, the National LGBTQ Task Force Action Fund, The Arc, and the 48 following nonprofit organizations from 20 states across the country: Center for Fair Housing, Inc., Southwest Fair Housing Council, Eden Council for Hope and Opportunity, Western Center in Law & Poverty, Fair Housing Council of Riverside County, Inc., San Jose Law Foundation of Silicon Valley, Fair Housing Advocates of Northern California, Fair Housing Council of Orange County, Santa Ana Public Law Center, Santa Clara Project Sentinel, Connecticut Fair Housing Center, Equal Rights Center, Georgetown University Law Center—Civil Rights Clinic, Fair Housing Center of the Greater Palm Beaches, Housing Opportunities Project for Excellence (HOPE), Inc., Savannah-Chatham Council on Disability

Issues, Atlanta Metro Fair Housing Services, Inc., Savannah-Chat-ham County Fair Housing Council, Inc., Intermountain Fair Housing Council, Access Living of Metropolitan Chicago, Chicago United for Equity, Housing Action Illinois, Housing Choice Partners, Speak Up Chicago, South Suburban Housing Center, HOPE Fair Housing Center, Louisiana Fair Housing Action Center, Massachusetts Fair Housing Center, Fair Housing Center of Metropolitan Detroit, Fair Housing Center of West Michigan, Fair Housing Center of Southeast & Mid-Michigan, Fair Housing Council of North-ern NJ, Long Island Housing Services, Inc., Housing Opportunities Made Equal, Inc., Fair Housing Justice Center, Inc., High Plains Fair Housing Center, Fair Housing Contact Service, Housing Op-portunities Made Equal of Greater Cincinnati, Fair Housing Center for Rights & Research, Miami Valley Fair Housing Center, Inc., The Fair Housing Center, Fair Housing Council of Oregon, Fair Housing Rights Center in Southeastern Pennsylvania, Fair Hous-ing Partnership of Greater Pittsburgh, Austin Tenants Council, Greater Houston Fair Housing Center, Fair Housing Council of Greater San Antonio, Fair Housing Center of Washington.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that H.R. 149 may be cited as the “Housing Fairness Act of 2020.”

Section 2. Testing for discrimination

This section amends subsection (a) of section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(a)) to allow for regional and national systemic testing activities under FHIP, which is intended to fund collaborative investigations that address housing discrimination practices that have been observed across geographies. FHIP grantees and the HUD Secretary will be able to take enforcement actions based on the results of these test-ing and investigation activities.

This section also removes criminal liability for testers conducting full-application lending discrimination testing and authorizes full-application lending testing.

Section 3. Fair Housing Initiatives Program

This section further amends section 561 of the Housing and Com-munity Development Act of 1987 (42 U.S.C. 3616a(a)) to streamline FHIP application processes and makes a number of changes to FHIP grantee eligibility requirements to ensure scarce funding goes to mission-drive organizations with the greatest expertise in fair housing. It also clarifies that Education and Outreach Initia-tive grants under FHIP can be used to disseminate fair housing educational materials and content via websites and other media outlets, and that grantees under the Fair Housing Assistance Pro-gram (FHAP) may only apply for FHIP funding when there is no other QFHCO operating in the service area.

The amendments made by this section also remove a require-ment that FHIP grantees reimburse the federal government for any settlement or court-ordered funds they receive as a result of grant-funded enforcement activities after the termination of the

grant period to accommodate the multi-year nature of private enforcement work under FHIP.

This section authorizes a total of \$710 million in appropriations for FHIP between fiscal years 2021 and 2031, which are to remain available until expended.

Section 4. Sense of Congress

This section provides for a Sense of Congress that the HUD Secretary should fully comply with the national education and outreach components of the FHIP program and fully expend all available funding for these activities; fully reinstates the Affirmatively Furthering Fair Housing rule that was promulgated on July 16, 2015; and fully comply with the administrative complaint procedures established under the Fair Housing Act.

Section 5. Grants to public and private entities to study housing discrimination

This section authorizes \$5 million for each of FYs 2021 through 2025 to establish a new competitive matching grant program that supports comprehensive studies on the causes and effects of housing discrimination and residential segregation and to test potential solutions. Grants may also be used to study the incidence, causes, and effects of housing discrimination based on characteristics not currently protected under the Fair Housing Act.

This section requires the Secretary of HUD to report to Congress on a biennial basis about the results of studies and pilot projects funded with grants under this section and to include any legislative or administrative recommendations or proposals raised in such studies.

Section 6. Limitation on use of funds

This section creates a standard prohibition on the use of any funds made available under the Act for political activities, advocacy, or lobbying, the travel expenses associated with those activities, or for the provision of advice on tax returns.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 for the 116th Congress, the Committee on Financial Services held a hearing on April 2, 2019, entitled “The Fair Housing Act: Reviewing Efforts to Eliminate Discrimination and Promote Opportunity in Housing” to consider H.R. 149, as introduced. Testifying before the Committee were: Debby Goldberg, Vice President, Housing Policy and Special Projects, National Fair Housing Alliance; Cashana Hill, Executive Director, Greater New Orleans Fair Housing Action Center; Kierra Johnson, Deputy Executive Director, National LGBTQ Task Force; Skylar Olsen, Director of Economic Research & Outreach, Zillow Group; and the Minority witness, Salim Furth, Ph.D., Senior Research Fellow, Mercatus Center, George Mason University.

COMMITTEE CONSIDERATION

The Committee on Financial Services met in open session on February 27, 2020 and ordered H.R. 149 to be reported favorably

to the House with an amendment in the nature of a substitute by a vote of 33 ayes and 25 nays, a quorum being present.

COMMITTEE VOTES AND ROLL CALL VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following roll call votes occurred during the Committee's consideration of H.R. 149:

Present	Representatives	Ayes	Nays
	Ms. Waters, <i>Chairwoman</i>		X
	Mrs. Maloney		X
	Ms. Velázquez		X
	Mr. Sherman		X
	Mr. Meeks		X
	Mr. Clay		X
	Mr. Scott		X
	Mr. Green		X
	Mr. Cleaver		X
	Mr. Perlmutter		X
	Mr. Himes		X
	Mr. Foster		X
	Mrs. Beatty		X
	Mr. Heck		X
	Mr. Vargas		X
	Mr. Gottheimer		X
	Mr. Gonzalez (TX)		X
	Mr. Lawson		X
	Mr. San Nicolas		X
	Ms. Tlaib		X
	Ms. Porter		X
	Ms. Axne		X
	Mr. Casten		X
	Ms. Pressley		X
	Mr. McAdams		X
	Ms. Ocasio-Cortez		X
	Ms. Wexton		X
	Mr. Lynch		X
	Ms. Gabbard		
	Ms. Adams		X
	Ms. Dean		X
	Mr. Garcia (IL)		X
	Ms. Garcia (TX)		X
	Mr. Phillips		X
34			
	Mr. McHenry, <i>Ranking Member</i>	X	
	Mrs. Wagner	X	
	Mr. Lucas	X	
	Mr. Posey	X	
	Mr. Luetkemeyer	X	
	Mr. Huizenga	X	
	Mr. Stivers	X	
	Mr. Barr	X	
	Mr. Tipton	X	
	Mr. Williams	X	
	Mr. Hill	X	
	Mr. Emmer	X	
	Mr. Zeldin	X	
	Mr. Loudermilk		
	Mr. Mooney	X	
	Mr. Davidson	X	
	Mr. Budd	X	
	Mr. Kustoff	X	
	Mr. Hollingsworth	X	
	Mr. Gonzalez (OH)	X	
	Mr. Rose	X	
	Mr. Steil	X	
	Mr. Gooden	X	
	Mr. Rigglerman	X	
	Mr. Timmons	X	
	Mr. Taylor	X	
26			

Committee on Financial Services
Full Committee
116th Congress (2nd Session)

Date: 2/27/2020

Measure _ H.R. 149

Amendment No. 4a

Offered by: Mr. Kustoff to Green ANS

Agreed To	Yes	No	Prsnt	Wdrn
Voice Vote	Ayes		Nays	

Record Vote	FC
	25 Ayes- 33 Noes

Present	Representatives	Ayes	Nays
	Ms. Waters, <i>Chairwoman</i>		X
	Mrs. Maloney		X
	Ms. Velázquez		X
	Mr. Sherman		X
	Mr. Meeks		X
	Mr. Clay		X
	Mr. Scott		X
	Mr. Green		X
	Mr. Cleaver		X
	Mr. Perlmutter		X
	Mr. Himes		X
	Mr. Foster		X
	Mrs. Beatty		X
	Mr. Heck		X
	Mr. Vargas		X
	Mr. Gottheimer		X
	Mr. Gonzalez (TX)		X
	Mr. Lawson		X
	Mr. San Nicolas		X
	Ms. Tlaib		X
	Ms. Porter		X
	Ms. Axne		X
	Mr. Casten		X
	Ms. Pressley		X
	Mr. McAdams		X
	Ms. Ocasio-Cortez		X
	Ms. Wexton		X
	Mr. Lynch		X
	Ms. Gabbard		X
	Ms. Adams		X
	Ms. Dean		X
	Mr. Garcia (IL)		X
	Ms. Garcia (TX)		X
	Mr. Phillips		X
34			
	Mr. McHenry, <i>Ranking Member</i>	X	
	Mrs. Wagner	X	
	Mr. Lucas	X	
	Mr. Posey	X	
	Mr. Luetkemeyer	X	
	Mr. Huizenga	X	
	Mr. Stivers	X	
	Mr. Barr	X	
	Mr. Tipton	X	
	Mr. Williams	X	
	Mr. Hill	X	
	Mr. Emmer	X	
	Mr. Zeldin	X	
	Mr. Loudermilk		
	Mr. Mooney	X	
	Mr. Davidson	X	
	Mr. Budd	X	
	Mr. Kustoff	X	
	Mr. Hollingsworth	X	
	Mr. Gonzalez (OH)	X	
	Mr. Rose	X	
	Mr. Steil	X	
	Mr. Gooden	X	
	Mr. Riggleman	X	
	Mr. Timmons	X	
	Mr. Taylor	X	
26			

Committee on Financial Services
Full Committee
116th Congress (2nd Session)

Date: 2/27/2020

Measure _ H.R. 149

Amendment No. 4b

Offered by: Mr. Stivers to Green ANS

Agreed To	Yes	No	Prsnt	Wdrn
Voice Vote	Ayes		Nays	

Record Vote	FC 25 Ayes- 33 Noes
-------------	------------------------

Present	Representatives	Ayes	Nays
	Ms. Waters, <i>Chairwoman</i>		X
	Mrs. Maloney		X
	Ms. Velázquez		X
	Mr. Sherman		X
	Mr. Meeks		X
	Mr. Clay		X
	Mr. Scott		X
	Mr. Green		X
	Mr. Cleaver		X
	Mr. Perlmutter		X
	Mr. Himes		X
	Mr. Foster		X
	Mrs. Beatty		X
	Mr. Heck		X
	Mr. Vargas		X
	Mr. Gottheimer		X
	Mr. Gonzalez (TX)		X
	Mr. Lawson		X
	Mr. San Nicolas		X
	Ms. Tlaib		X
	Ms. Porter		X
	Ms. Axne		X
	Mr. Casten		X
	Ms. Pressley		X
	Mr. McAdams		X
	Ms. Ocasio-Cortez		X
	Ms. Wexton		X
	Mr. Lynch		X
	Ms. Gabbard		X
	Ms. Adams		X
	Ms. Dean		X
	Mr. Garcia (IL)		X
	Ms. Garcia (TX)		X
	Mr. Phillips		X
34			
	Mr. McHenry, <i>Ranking Member</i>	X	
	Mrs. Wagner	X	
	Mr. Lucas	X	
	Mr. Posey	X	
	Mr. Luetkemeyer	X	
	Mr. Huizenga	X	
	Mr. Stivers	X	
	Mr. Barr	X	
	Mr. Tipton	X	
	Mr. Williams	X	
	Mr. Hill	X	
	Mr. Emmer	X	
	Mr. Zeldin	X	
	Mr. Loudermilk		
	Mr. Mooney	X	
	Mr. Davidson	X	
	Mr. Budd	X	
	Mr. Kustoff	X	
	Mr. Hollingsworth	X	
	Mr. Gonzalez (OH)	X	
	Mr. Rose	X	
	Mr. Steil	X	
	Mr. Gooden	X	
	Mr. Riggleman	X	
	Mr. Timmons	X	
	Mr. Taylor	X	
26			

Committee on Financial Services
Full Committee
116th Congress (2nd Session)

Date: 2/27/2020

Measure: H.R. 149

Amendment No. 4c

Offered by: Mr. Zeldin to Green ANS

Agreed To	Yes	No	Prsnt	Wdrn
Voice Vote	Ayes		Nays	

Record Vote	FC
	25 Ayes- 33 Noes

Present	Representatives	Ayes	Nays
	Ms. Waters, <i>Chairwoman</i>	X	
	Mrs. Maloney	X	
	Ms. Velázquez	X	
	Mr. Sherman	X	
	Mr. Meeks	X	
	Mr. Clay	X	
	Mr. Scott	X	
	Mr. Green	X	
	Mr. Cleaver	X	
	Mr. Perlmutter	X	
	Mr. Himes	X	
	Mr. Foster	X	
	Mrs. Beatty	X	
	Mr. Heck	X	
	Mr. Vargas	X	
	Mr. Gottheimer	X	
	Mr. Gonzalez (TX)	X	
	Mr. Lawson	X	
	Mr. San Nicolas	X	
	Ms. Thib	X	
	Ms. Porter	X	
	Ms. Axne	X	
	Mr. Casten	X	
	Ms. Pressley	X	
	Mr. McAdams	X	
	Ms. Ocasio-Cortez	X	
	Ms. Wexton	X	
	Mr. Lynch	X	
	Ms. Gabbard		
	Ms. Adams	X	
	Ms. Dean	X	
	Mr. Garcia (IL)	X	
	Ms. Garcia (TX)	X	
	Mr. Phillips	X	
34			
	Mr. McHenry, <i>Ranking Member</i>		X
	Mrs. Wagner		X
	Mr. Lucas		X
	Mr. Posey		X
	Mr. Luetkemeyer		X
	Mr. Huizenga		X
	Mr. Stivers		X
	Mr. Barr		X
	Mr. Tipton		X
	Mr. Williams		X
	Mr. Hill		X
	Mr. Emmer		X
	Mr. Zeldin		X
	Mr. Loudermilk		
	Mr. Mooney		X
	Mr. Davidson		X
	Mr. Budd		X
	Mr. Kustoff		X
	Mr. Hollingsworth		X
	Mr. Gonzalez (OH)		X
	Mr. Rose		X
	Mr. Steil		X
	Mr. Gooden		X
	Mr. Riggleman		X
	Mr. Timmons		X
	Mr. Taylor		X
26			

Committee on Financial Services
Full Committee
116th Congress (2nd Session)

Date: 2/27/2020

Measure: H.R. 149

Final Passage

Agreed To	Yes	No	Prsnt	Wdrn
Voice Vote	Ayes		Nays	

Record Vote	FC
	33 Ayes- 25 Noes

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c) of rule XIII of the Rules of the House of Representatives, the goals of H.R. 149 are to address ongoing discrimination, segregation, and other inequities in the U.S. housing market by providing substantial new federal fair housing investments for increased enforcement, research, and to test solutions.

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974*, and pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the following estimate for H.R. 149 from the Director of the Congressional Budget Office:

H.R. 149, Housing Fairness Act of 2020			
As ordered reported by the House Committee on Financial Services on February 28, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	207	541
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 149 would authorize the appropriation of \$58 million annually over the 2021–2025 period and \$70 million annually from 2026 through 2031 for the Department of Housing and Urban Development (HUD) to make grants to states, localities, and nonprofit organizations to prevent discriminatory housing practices through the Fair Housing Initiatives Program. (In 2020, the Congress provided \$46 million to the program.)

The bill also would authorize the appropriation of \$5 million annually over the 2021–2025 period for a competitive grant program for nonprofits to study the causes and effects of housing discrimination and to implement pilot projects to test approaches to preventing discrimination. Finally, the bill would require HUD to

study the feasibility and effectiveness of converting the Fair Housing Initiatives Program into a noncompetitive, entitlement program.

Most of the authorized amounts would be allocated for activities carried out by nonprofit organizations to enforce laws against discrimination in housing, as well as for education and outreach efforts. CBO estimates that implementing the bill would cost \$207 million over the 2021–2025 period, \$541 million over the 2021–2030 period, and \$195 million after 2030, assuming appropriation of the authorized amounts. That estimate is based on historical spending patterns for the programs and on information from the department.

The costs of the legislation, detailed in Table 1, fall under budget function 750 (administration of justice).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 149

	By fiscal year, millions of dollars—						
	2020	2021	2022	2023	2024	2025	2020–2025
Fair Housing Initiatives Program							
Authorization ^a	0	58	58	58	58	58	290
Estimated Outlays	0	1	22	48	58	58	187
Grant Program to Study Housing Discrimination							
Authorization	0	5	5	5	5	5	25
Estimated Outlays	0	1	3	5	5	5	19
Study							
Estimated Authorization	0	1	0	0	0	0	1
Estimated Outlays	0	1	0	0	0	0	1
Total Changes							
Estimated Authorization	0	64	63	63	63	63	316
Estimated Outlays	0	3	25	53	63	63	207

^a The bill also would authorize the appropriation of \$70 million annually from 2026 through 2031 for this program.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 149. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act*.

UNFUNDED MANDATE STATEMENT

Pursuant to Section 423 of the *Congressional Budget and Impoundment Control Act* (as amended by Section 101(a)(2) of the *Unfunded Mandates Reform Act*, Pub. L. 104–4), the Committee adopts as its own the estimate of federal mandates regarding H.R. 149, as amended, prepared by the Director of the Congressional Budget Office.

ADVISORY COMMITTEE

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Pursuant to section 102(b)(3) of the *Congressional Accountability Act*, Pub. L. No. 104-1, H.R. 149, as reported, does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

EARMARK STATEMENT

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 149 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of H.R. 149 establishes or reauthorizes a program of the Federal Government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CHANGES TO EXISTING LAW

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, H.R. 149, as reported, are shown as follows:

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987

* * * * *

TITLE V—COMMUNITY DEVELOPMENT AND
MISCELLANEOUS PROGRAMS

* * * * *

SEC. 561. FAIR HOUSING INITIATIVES PROGRAM.

(a) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) may make grants to, or (to the extent of amounts provided in appropriation Acts) enter into contracts or cooperative agreements with, State or local governments or their agencies, public or private nonprofit or-

ganizations or institutions, or other public or private entities that are formulating or carry out programs to prevent or eliminate discriminatory housing practices *or, in the case of grants or contracts for activities under paragraph (3) with qualified private, non-profit fair housing enforcement organizations that have demonstrated expertise in managing and implementing regional or national testing programs to address systemic fair housing issues*, to develop, implement, carry out, or coordinate—

(1) programs or activities designed to obtain enforcement of the rights granted by title VIII of the Act of April 11, 1968 (commonly referred to as the Civil Rights Act of 1968), or by State or local laws that provide rights and remedies for alleged discriminatory housing practices that are substantially equivalent to the rights and remedies provided in such title VIII, through such appropriate judicial or administrative proceedings (including informal methods of conference, conciliation, and persuasion) as are available therefore; **[and]**

(2) education and outreach programs designed to inform the public concerning rights and obligations under the laws referred to in paragraph (1)**[.]**; *and*

(3) *programs of regional or national testing and investigations to (i) detect and document differences in the treatment of persons seeking to rent or purchase housing or obtain or refinance a home mortgage loan, and measure patterns of differential treatment because of the status of a renter, home buyer, or borrower as a member of the protected classes under the Fair Housing Act (42 U.S.C. 3601 et seq.), and (ii) measure the prevalence, nature, and extent of discriminatory practices covered under the Fair Housing Act.*

The results of any testing and investigations pursuant to paragraph (3) may be used as the basis for the Secretary, or any Federal agency authorized to bring such an enforcement action, or any State or local government or agency, public or private nonprofit organization or institution, or other aggrieved parties as defined by title VIII of the Civil Rights Act of 1968 or other substantially equivalent State or local fair housing law, or other public or private entity that the Secretary has entered into a contract or cooperative agreement with under this section to commence, undertake, or pursue any investigation or enforcement action to remedy any discriminatory housing practice (as such term is defined in section 802 of the Fair Housing Act (42 U.S.C. 3602)) uncovered as a result of such testing and investigations. Testing conducted pursuant to paragraph (3) shall not constitute a violation of any provision of criminal law or the Truth in Lending Act (15 U.S.C. 1601 et seq.).

(b) PRIVATE ENFORCEMENT INITIATIVES.—

(1) IN GENERAL.—The Secretary shall use funds made available under this subsection to conduct, through contracts with *qualified* private nonprofit fair housing enforcement organizations, investigations of violations of the rights granted under title VIII of the Civil Rights Act of 1968, and such enforcement activities as appropriate to remedy such violations. The Secretary may enter into multiyear contracts and take such other action as is appropriate to enhance the effectiveness of such investigations and enforcement activities.

(2) ACTIVITIES.—The Secretary shall use funds made available under this subsection to conduct, through contracts with *qualified* private nonprofit fair housing enforcement organizations, a range of investigative and enforcement activities designed to—

(A) carry out testing and other investigative activities in accordance with subsection (b)(1), including building the capacity for housing investigative activities in unserved or underserved areas;

(B) discover and remedy discrimination in the public and private real estate markets and real estate-related transactions, including, but not limited to, the making or purchasing of loans or the provision of other financial assistance sales and rentals of housing and housing advertising;

(C) carry out special projects, including the development of prototypes to respond to new or sophisticated forms of discrimination against persons protected under title VIII of the Civil Rights Act of 1968;

(D) provide technical assistance to local fair housing organizations, and assist in the formation and development of new fair housing organizations; and

(E) provide funds for the costs and expenses of litigation, including expert witness fees.

(c) FUNDING OF FAIR HOUSING ORGANIZATIONS.—

(1) IN GENERAL.—The Secretary shall use funds made available under this section to enter into contracts or cooperative agreements with qualified fair housing enforcement organizations, other private nonprofit fair housing enforcement organizations, and nonprofit groups organizing to build their capacity to provide fair housing enforcement, for the purpose of supporting the continued development or implementation of initiatives which enforce the rights granted under title VIII of the Civil Rights Act of 1968, as amended. Contracts or cooperative agreements may not provide more than 50 percent of the operating budget of the recipient organization for any one year.

(2) CAPACITY ENHANCEMENT.—The Secretary shall use funds made available under this section to help establish, organize, and build the capacity of fair housing enforcement organizations, particularly in those areas of the country which are currently underserved by fair housing enforcement organizations as well as those areas where large concentrations of protected classes exist. For purposes of meeting the objectives of this paragraph, the Secretary may enter into contracts or cooperative agreements with qualified fair housing enforcement organizations. The Secretary shall establish annual goals which reflect the national need for private fair housing enforcement organizations.

(3) PROGRAM-EARNED INCOME.—*No restrictions on the use of program-earned income received by qualified fair housing enforcement organizations shall apply after the grant period for such organization ends.*

(d) EDUCATION AND OUTREACH.—

(1) IN GENERAL.—The Secretary, through contracts with one or more qualified fair housing enforcement organizations, other fair housing enforcement organizations, and other nonprofit or-

ganizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968, shall establish a national education and outreach program. The national program shall be designed to provide a centralized, coordinated effort for the development and dissemination of fair housing media products, including—

- (A) public service announcements, both audio and video;
- (B) television, radio and print advertisements;
- (C) posters; **[and]**
- (D) pamphlets and brochures**[.]**; and
- (E) *websites and other media outlets.*

The Secretary shall designate a portion of the amounts provided in subsection (g)(4) for a national program specifically for activities related to the annual national fair housing month. The Secretary shall encourage cooperation with real estate industry organizations in the national education and outreach program. The Secretary shall also encourage the dissemination of educational information and technical assistance to support compliance with the housing adaptability and accessibility guidelines contained in the Fair Housing Act Amendments of 1988.

(2) REGIONAL AND LOCAL PROGRAMS.—The Secretary, through contracts with fair housing enforcement organizations, other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968, State and local agencies certified by the Secretary under section 810(f) of the Fair Housing Act, **[or other public or private entities]** or *other public or private nonprofit entities* that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, shall establish or support education and outreach programs at the regional and local levels.

(3) COMMUNITY-BASED PROGRAMS.—The Secretary shall provide funding to fair housing organizations and other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968, **[or other public or private entities]** or *other public or private nonprofit entities* that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, to support community-based education and outreach activities, including school, church, and community presentations, conferences, and other educational activities.

(4) LIMITATION.—*Notwithstanding any other provision of this section, a State or local agency certified by the Secretary under section 810(f) of the Fair Housing Act may receive assistance under this subsection only to carry out activities eligible for assistance under this subsection in areas in which no qualified fair housing enforcement organization is available to carry out such activities.*

(5) ELIGIBILITY.—*Notwithstanding any other provision of this section, if an award of funding under subsection (b) for multiple fiscal years has been made to a qualified fair housing enforcement organization, such organization is, subject only to the availability of amounts provided in appropriation Acts, eligible to receive funding under this subsection for each fiscal year covered by such award under subsection (b).*

(e) PROGRAM ADMINISTRATION.—

(1) Not less than 30 days before providing a grant or entering into any contract or cooperative agreement to carry out activities authorized by this section, the Secretary shall submit notification of such proposed grant, contract, or cooperative agreement (including a description of the geographical distribution of such contracts) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on [Banking, Finance and Urban Affairs] *Financial Services* of the House of Representatives.

(2) *PRIORITY.*—*In providing assistance under this section with respect to metropolitan statistical areas for which there are multiple applications for such assistance, the Secretary shall give priority to applications submitted by qualified fair housing enforcement organizations that have experience in conducting fair housing enforcement activities.*

(f) REGULATIONS.—

(1) The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(2) The Secretary shall, for use during the demonstration authorized in this section, establish guidelines for testing activities funded under the private enforcement initiative of the fair housing initiatives program. The purpose of such guidelines shall be to ensure that investigations in support of fair housing enforcement efforts described in subsection (a)(1) shall develop credible and objective evidence of discriminatory housing practices. Such guidelines shall apply only to activities funded under this section, shall not be construed to limit or otherwise restrict the use of facts secured through testing not funded under this section in any legal proceeding under Federal fair housing laws, and shall not be used to restrict individuals or entities, including those participating in the fair housing initiatives program, from pursuing any right or remedy guaranteed by Federal law. Not later than 6 months after the end of the demonstration period authorized in this section, the Secretary shall submit to Congress the evaluation of the Secretary of the effectiveness of such guidelines in achieving the purposes of this section.

(3) Such regulations shall include provisions governing applications for assistance under this section, and shall require each such application to contain—

(A) a description of the assisted activities proposed to be undertaken by the applicant, together with the estimated costs and schedule for completion of such activities;

(B) a description of the experience of the applicant in formulating or carrying out programs to prevent or eliminate discriminatory housing practices;

(C) available information, including studies made by or available to the applicant, indicating the nature and extent of discriminatory housing practices occurring in the general location where the applicant proposes to conduct its assisted activities, and the relationship of such activities to such practices;

(D) an estimate of such other public or private resources as may be available to assist the proposed activities;

(E) a description of proposed procedures to be used by the applicant for monitoring conduct and evaluating results of the proposed activities; and

(F) any additional information required by the Secretary.

(4) Regulations issued under this subsection shall not become effective prior to the expiration of 90 days after the Secretary transmits such regulations, in the form such regulations are intended to be published, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(5) The Secretary shall not obligate or expend any amount under this section before the effective date of the regulations required under this subsection.

[(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section, \$21,000,000 for fiscal year 1993 and \$26,000,000 for fiscal year 1994, of which—

[(1) not less than \$3,820,000 for fiscal year 1993 and \$8,500,000 for fiscal year 1994 shall be for private enforcement initiatives authorized under subsection (b), divided equally between activities specified under subsection (b)(1) and those specified under subsection (b)(2);

[(2) not less than \$2,230,000 for fiscal year 1993 and \$8,500,000 for fiscal year 1994 shall be for qualified fair housing enforcement organizations authorized under subsection (c)(1);

[(3) not less than \$2,010,000 for fiscal year 1993 and \$4,000,000 for fiscal year 1994 shall be for the creation of new fair housing enforcement organizations authorized under subsection (c)(2); and

[(4) not less than \$2,540,000 for fiscal year 1993 and \$5,000,000 for fiscal year 1994 shall be for education and outreach programs authorized under subsection (d), to be divided equally between activities specified under subsection (d)(1) and those specified under subsections (d)(2) and (d)(3). Any amount appropriated under this section shall remain available until expended.]

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—*There are authorized to be appropriated to carry out this section—*

(A) *\$58,000,000 for each of fiscal years 2021 through 2025, of which—*

(i) *\$55,000,000 shall be available for any activities under this section other than programs under subsection (a)(3), of which—*

(I) *not less than \$38,000,000 shall be for private enforcement initiatives authorized under subsection (b);*

(II) *not less than \$1,500,000 shall be for the fair housing organizations initiative under subsection (c);*

(III) *not less than \$10,000,000 shall be for the education and outreach initiative under subsection (d), of which—*

(aa) at least \$8,000,000 shall be for local education and outreach activities; and

(bb) at least \$2,000,000 shall be for national media activities; and

(IV) any remaining amounts shall be used for any program activities authorized under this section; and

(ii) \$3,000,000 shall be available only for programs under subsection (a)(3); and

(B) \$70,000,000 for each of fiscal years 2026 through 2031, of which—

(i) for each such fiscal year, \$65,000,000 shall be available for any activities under this section other than programs under subsection (a)(3), of which—

(I) not less than \$44,000,000 shall be for private enforcement initiatives authorized under subsection (b);

(II) not less than \$1,500,000 shall be for the fair housing organizations initiative under subsection (c);

(III) not less than \$12,500,000 shall be for the education and outreach initiative under subsection (d), of which—

(aa) at least \$10,000,000 shall be for local education and outreach activities; and

(bb) at least \$2,500,000 shall be for national media activities; and

(IV) any remaining amounts shall be used for any program activities authorized under this section; and

(ii) for each such fiscal year \$5,000,000 shall be available only for programs under subsection (a)(3).

(2) AVAILABILITY.—Any amount appropriated under this section shall remain available until expended to carry out the provisions of this section.

(3) AWARD OF FUNDING.—Within 90 days after the date of the enactment of any Act making amounts available to carry out this section, the Secretary shall issue a Notice of Funding Availability with respect to such amounts and, within 180 days after such date of enactment, the Secretary shall award such amounts.

(h) QUALIFIED FAIR HOUSING ENFORCEMENT ORGANIZATION.—(1) The term “qualified fair housing enforcement organization” means any organization that—

(A) is organized as a private, tax-exempt, nonprofit, charitable organization;

(B) has at least 2 years experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims; and

(C) is engaged in all the activities listed in paragraph (1)(B) at the time of application for assistance under this section.

An organization which is not solely engaged in fair housing enforcement activities may qualify as a qualified fair housing enforcement organization, provided that the organization is actively en-

gaged in each of the activities listed in subparagraph (B) *and meets the criteria described in subparagraphs (A) and (C).*

(2) The term “fair housing enforcement organization” means any organization that—

(A) meets the requirements specified in paragraph (1)(A);

(B) is currently engaged in the activities specified in paragraph (1)(B);

(C) upon the receipt of funds under this section will become engaged in all of the activities specified in paragraph (1)(B); and

(D) for purposes of funding under subsection (b), has at least 1 year of experience in the activities specified in paragraph (1)(B).

(i) PROHIBITION ON USE OF FUNDS.—None of the funds authorized under this section may be used by the Secretary for purposes of settling claims, satisfying judgments or fulfilling court orders in any litigation action involving either the Department or housing providers funded by the Department. None of the funds authorized under this section may be used by the Department for administrative costs.

(j) REPORTING REQUIREMENTS.—Not later than 180 days after the close of each fiscal year in which assistance under this section is furnished, the Secretary shall prepare and submit to the Congress a comprehensive report *regarding such preceding fiscal year*, which shall contain—

(1) a description of the progress made in accomplishing the objectives of this section;

(2) a summary of all the private enforcement activities carried out under this section [and the use of such funds during the preceding fiscal year], *the use of such funds during the preceding fiscal year, and outcomes such as the number of housing units made available and accessible to protected classes under the Fair Housing Act (42 U.S.C. 3601 et seq.)*;

(3) a list of all fair housing enforcement organizations funded under this section during the preceding fiscal year, identified on a State-by-State basis;

(4) a summary of all education and outreach activities funded under this section and the use of such funds during the preceding fiscal year; and

(5) any findings, conclusions, or recommendations of the Secretary as a result of the funded activities.

* * * * *

MINORITY VIEWS

Committee Republicans unequivocally oppose illegal housing discrimination and support efforts to hold bad actors accountable. Unfortunately, H.R. 149 does nothing to deter or punish localities that allow discrimination to occur and will not support the victims of housing discrimination.

Instead, H.R. 149 drastically increases taxpayer funding for a few non-profits that are more interested in their bottom line than targeting and punishing bad actors.

The bill authorizes \$735 million in new grant funding for the Department of Housing and Urban Development (HUD)'s Office of Fair Housing Initiatives Program (FHIP). FHIP is responsible for overseeing local, regional, and national fair housing testing programs.

However, Committee Democrats have yet to demonstrate how this increased funding would assist the current HUD fair housing programs in eliminating discrimination. This bill throws more money at organizations without clear accountability or transparency requirements to understand how the funding will be used. It will also do nothing to ensure that the federal government is doing all it can to end illegal discrimination and hold bad actors accountable.

Republicans offered three commonsense amendments during Committee markup that would have strengthened HUD's efforts to eradicate discrimination and address the specific failures of H.R. 149:

- Rep. Kustoff offered an amendment that would have allowed HUD to suspend a locality's community development grants for one year if they violate fair housing laws.
- Rep. Stivers offered an amendment that would have made grantees under the program submit audited financial statements to HUD to show that any grant money is well spent.
- Rep. Zeldin offered an amendment that would have created a Victims Compensation Fund that would help the true victims in those communities, not just the nonprofits who discover violations of the law. Any proceeds from lawsuits in this bill would be submitted to the Fund and distributed to those who were discriminated against before the bad actors were discovered.

Each amendment was rejected by Democrats on a party line vote.

Stakeholders, victims, and advocates know that simply increasing funding alone will not end illegal housing discrimination.

Rather than come together to ensure a bipartisan approach to prevent, deter, and punish bad actors who discriminate in housing, Committee Democrats took the partisan path.

By rejecting commonsense policies that are proven to deter and punish bad actors, H.R. 149 fails to improve the very program it

claims to support. For these reasons, Committee Republicans oppose H.R. 149.

PATRICK T. MCHENRY.
BILL POSEY.
BILL HUIZENGA.
ANN WAGNER.
SCOTT R. TIPTON.
J. FRENCH HILL.
LEE M. ZELDIN.
ALEXANDER X. MOONEY.
TED BUDD.
TREY HOLLINGSWORTH.
JOHN W. ROSE.
LANCE GOODEN.
WILLIAM R. TIMMONS, IV.
FRANK D. LUCAS.
BLAINE LUETKEMEYER.
STEVE STIVERS.
ANDY BARR.
ROGER WILLIAMS.
TOM EMMER.
BARRY LOUDERMILK.
WARREN DAVIDSON.
DAVID KUSTOFF.
ANTHONY GONZALEZ.
BRYAN STEIL.
DENVER RIGGLEMAN.
VAN TAYLOR.

