

114TH CONGRESS
1ST SESSION

H. R. 372

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2015

Mr. AL GREEN of Texas (for himself, Mr. HASTINGS, Ms. LEE, Ms. SCHAKOWSKY, Mr. TAKANO, Mr. HONDA, Ms. CHU of California, Mr. GRIJALVA, Mr. RUSH, Ms. HAHN, Mr. SERRANO, Mr. HINOJOSA, Ms. MOORE, Mr. RANGEL, Mr. HUFFMAN, Mr. DANNY K. DAVIS of Illinois, and Mr. ELLISON) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

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.

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 “Veterans, Women,
5 Families with Children, Race, and Persons with Disabil-

ities Housing Fairness Act of 2015” or the “Housing Fairness Act of 2015”.

SEC. 2. TESTING FOR DISCRIMINATION.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a nationwide program of testing to—

(1) 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 adverse treatment because of the race, color, religion, sex, familial status, disability status, or national origin of a renter, home buyer, or borrower; and

(2) measure the prevalence of such discriminatory practices across the housing and mortgage lending markets as a whole.

(b) ADMINISTRATION.—The Secretary of Housing and Urban Development shall enter into agreements with qualified fair housing enforcement organizations, as such organizations are defined under subsection (h) of section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(h)), for the purpose of conducting the testing required under subsection (a).

(c) PROGRAM REQUIREMENTS.—The Secretary shall—

1 (1) submit to the Congress an evaluation by the
2 Secretary of the effectiveness of the program under
3 this section; and

4 (2) issue regulations that require each applica-
5 tion for the program under this section to contain—

6 (A) a description of the assisted activities
7 proposed to be undertaken by the applicant;

8 (B) a description of the experience of the
9 applicant in formulating or carrying out pro-
10 grams to carry out the activities described in
11 subsection (a); and

12 (C) a description of proposed procedures to
13 be used by the applicant for evaluating the re-
14 sults of the activities proposed to be carried out
15 under the program.

16 (d) REPORT.—The Secretary of Housing and Urban
17 Development shall report to Congress—

18 (1) on a biennial basis, the aggregate outcomes
19 of testing required under subsection (a) along with
20 any recommendations or proposals for legislative or
21 administrative action to address any issues raised by
22 such testing; and

23 (2) on an annual basis, a detailed summary of
24 the messages received by the Office of Fair Housing
25 and Equal Opportunity of the Department through

1 its 24-hour toll-free telephone hotline, through elec-
2 tronic mail, and through its website.

3 The Secretary may submit the reports required under
4 paragraph (1) of this subsection as part of the reports
5 prepared in accordance with paragraphs (2) and (6) of
6 section 808(e) of the Fair Housing Act (42 U.S.C.
7 3608(e)) and section 561(j) of the Housing and Commu-
8 nity Development Act of 1987 (42 U.S.C. 3616a(j)).

9 (e) USE OF RESULTS.—The results of any testing re-
10 quired under subsection (a) may be used as the basis for
11 the Secretary, or any Federal agency authorized to bring
12 such an enforcement action, or any State or local govern-
13 ment or agency, public or private nonprofit organization
14 or institution, or other public or private entity that the
15 Secretary has entered into a contract or cooperative agree-
16 ment with under section 561 of the Housing and Commu-
17 nity Development Act of 1987 (42 U.S.C. 3616a) to com-
18 mence, undertake, or pursue any investigation or enforce-
19 ment action to remedy any discriminatory housing practice
20 (as such term is defined in section 802 of the Fair Hous-
21 ing Act (42 U.S.C. 3602)) uncovered as a result of such
22 testing.

23 (f) DEFINITIONS.—As used in this section:

24 (1) DISABILITY STATUS.—The term “disability
25 status” has the same meaning given the term

1 “handicap” in section 802 of the Civil Rights Act of
2 1968 (42 U.S.C. 3602).

3 (2) FAMILIAL STATUS.—The term “familial sta-
4 tus” has the same meaning given that term in sec-
5 tion 802 of the Civil Rights Act of 1968 (42 U.S.C.
6 3602).

7 (g) RELATIONSHIP TO OTHER LAWS.—Nothing in
8 this section may be construed to amend, alter, or affect
9 any provision of criminal law or the Truth in Lending Act
10 (15 U.S.C. 1601 et seq.).

11 (h) REGULATIONS.—Not later than the expiration of
12 the 180-day period beginning on the date of the enactment
13 of this Act, the Secretary of Housing and Urban Develop-
14 ment shall issue regulations that establish minimum
15 standards for the training of testers of organizations con-
16 ducting testing required under subsection (a). Such regu-
17 lations shall serve as the basis of an evaluation of such
18 testers, which shall be developed by the Secretary, and
19 such regulations shall be issued after notice and an oppor-
20 tunity for public comment in accordance with the proce-
21 dure under section 553 of title 5, United States Code, ap-
22 plicable to substantive rules (notwithstanding subsections
23 (a)(2), (b)(3)(B), and (d)(3) of such section).

24 (i) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to carry out the provi-

1 sions of this section \$15,000,000 for each of fiscal years
 2 2015 through 2019.

3 **SEC. 3. INCREASE IN FUNDING FOR THE FAIR HOUSING INI-**
 4 **TIATIVES PROGRAM.**

5 (a) IN GENERAL.—Section 561 of the Housing and
 6 Community Development Act of 1987 (42 U.S.C. 3616a)
 7 is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (1), by inserting “quali-
 10 fied” before “private nonprofit fair housing en-
 11 forcement organizations,”; and

12 (B) in paragraph (2), by inserting “quali-
 13 fied” before “private nonprofit fair housing en-
 14 forcement organizations,”;

15 (2) by striking subsection (g) and inserting the
 16 following:

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There are authorized to be
 19 appropriated to carry out the provisions of this sec-
 20 tion \$42,500,000 for each of fiscal years 2015
 21 through 2019, of which—

22 “(A) not less than 75 percent of such
 23 amounts shall be for private enforcement initia-
 24 tives authorized under subsection (b);

1 “(B) not more than 10 percent of such
 2 amounts shall be for education and outreach
 3 programs under subsection (d); and

4 “(C) any remaining amounts shall be used
 5 for program activities authorized under this sec-
 6 tion.

7 “(2) AVAILABILITY.—Any amount appropriated
 8 under this section shall remain available until ex-
 9 pended to carry out the provisions of this section.”;

10 (3) in subsection (h), in the matter following
 11 subparagraph (C), by inserting “and meets the cri-
 12 teria described in subparagraphs (A) and (C)” after
 13 “subparagraph (B)”; and

14 (4) in subsection (d)—

15 (A) in paragraph (1)—

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

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

20 (iii) by adding after subparagraph (D)
 21 the following new subparagraph:

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

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

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

4 (b) REGULATIONS.—Not later than the expiration of
5 the 180-day period beginning on the date of the enactment
6 of this Act, the Secretary of Housing and Urban Develop-
7 ment shall issue regulations that establish minimum
8 standards for the training of testers of organizations fund-
9 ed with any amounts made available to carry out this sec-
10 tion for any of fiscal years 2015 through 2019. Such regu-
11 lations shall serve as the basis of an evaluation of such
12 testers, which shall be developed by the Secretary, and
13 shall be issued after notice and an opportunity for public
14 comment in accordance with the procedure under section
15 553 of title 5, United States Code, applicable to sub-
16 stantive rules (notwithstanding subsections (a)(2),
17 (b)(3)(B), and (d)(3) of such section).

18 **SEC. 4. SENSE OF CONGRESS.**

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

21 (1) fully comply with the requirements of sec-
22 tion 561(d) of the Housing and Community Develop-
23 ment Act of 1987 (42 U.S.C. 3616a(d)) to establish,
24 design, and maintain a national education and out-
25 reach program to provide a centralized, coordinated

1 effort for the development and dissemination of the
2 fair housing rights of individuals who seek to rent,
3 purchase, sell, or facilitate the sale of a home;

4 (2) expend for such education and outreach
5 programs all amounts appropriated for such pro-
6 grams;

7 (3) promulgate regulations regarding the fair
8 housing obligations of each recipient of Federal
9 housing and community development funds to af-
10 firmatively further fair housing, as that term is de-
11 fined under title VIII of the Civil Rights Act of
12 1968 (42 U.S.C. 3601 et seq.); and

13 (4) fully comply with the requirements of sec-
14 tion 810(a) of the Fair Housing Act (42 U.S.C.
15 3610(a)).

16 **SEC. 5. GRANTS TO PRIVATE ENTITIES TO STUDY HOUSING**
17 **DISCRIMINATION.**

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

22 (1) conducting comprehensive studies that ex-
23 amine—

24 (A) the causes of housing discrimination
25 and segregation;

1 (B) the effects of housing discrimination
2 and segregation on education, poverty, and eco-
3 nomic development; or

4 (C) the incidences, causes, and effects of
5 housing discrimination and segregation on vet-
6 erans and military personnel; and

7 (2) implementing pilot projects that test solu-
8 tions that will help prevent or alleviate housing dis-
9 crimination and segregation.

10 (b) ELIGIBILITY.—To be eligible to receive a grant
11 under this section, a public or private nonprofit organiza-
12 tion shall—

13 (1) submit an application to the Secretary of
14 Housing and Urban Development, containing such
15 information as the Secretary shall require;

16 (2) agree to provide matching non-Federal
17 funds for 50 percent of the total amount of the
18 grant, which matching funds may include items do-
19 nated on an in-kind contribution basis; and

20 (3) meet the requirements of a qualified fair
21 housing enforcement organization, as such term is
22 defined in section 561(h) of the Housing and Com-
23 munity Development Act of 1987 (42 U.S.C.
24 3616a(h)), or subcontract with a qualified fair hous-

1 ing enforcement organization as a primary subcon-
2 tractor.

3 (c) REPORT.—The Secretary of Housing and Urban
4 Development shall submit a report to the Congress on a
5 biennial basis that provides a detailed summary of the re-
6 sults of the comprehensive studies and pilot projects car-
7 ried out under subsection (a), together with any rec-
8 ommendations or proposals for legislative or administra-
9 tive actions to address any issues raised by such studies.
10 The Secretary may submit the reports required under this
11 subsection as part of the reports prepared in accordance
12 with paragraphs (2) and (6) of section 808(e) of the Fair
13 Housing Act (42 U.S.C. 3608(e)) and section 561(j) of
14 the Housing and Community Development Act of 1987
15 (42 U.S.C. 3616a(j)).

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out the provi-
18 sions of this section \$5,000,000 for each of fiscal years
19 2015 through 2019.

20 **SEC. 6. LIMITATION ON USE OF FUNDS.**

21 None of the funds made available under this Act, or
22 the amendments made by this Act, may be used for any
23 political activities, political advocacy, or lobbying (as such
24 terms are defined by Circular A–122 of the Office of Man-
25 agement and Budget, entitled “Cost Principles for Non-

- 1 Profit Organizations’), or for expenses for travel to en-
- 2 gage in political activities or preparation of or provision
- 3 of advice on tax returns.

