

July 10, 2020

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

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

Dear Deputy Secretary Montgomery:

Quicken Loans appreciates the commitment of the Department of Housing and Urban Development (HUD) in administering the Fair Housing Act and its efforts to challenge discrimination in housing. Housing discrimination—from the intentional to the inadvertent—remains a stumbling block for millions of Americans to gain fair access to quality and affordable homeownership. As the fight for fair housing continues, it is imperative that we maintain strong enforcement of the Fair Housing Act and thoughtful use of the disparate impact theory that has long been central to that enforcement.

We write to you today to convey concern with HUD's proposed rule to change the way the disparate impact framework would be used to enforce the Fair Housing Act. We recognize that the proposed changes are intended to clarify the use of disparate impact in housing discrimination cases. We agree that unclear rules in the housing and mortgage markets can, and often do, constrain lending and investment in the space, harming those the rules are intended to help. However, legitimate concerns have been raised about how the proposed rule proposed would make it difficult to address some of the more challenging systemic issues of discrimination that the Fair Housing Act should be used to address.

We are living in a pivotal moment of American history, with much of the nation looking more deeply at the systemic effects of discrimination throughout our society and economy. In the spirit of that moment, policymakers and industry participants alike should look beyond the surface forms of discrimination to those that lie beneath, because the effects are often no less destructive.

In recognition of our nation's rising awareness surrounding issues of racial justice, equity, and inclusion; we believe that more deliberation is required, and ask that HUD reconsider its proposal on disparate impact. We believe that HUD should continue to focus on the deeper forms of discrimination, and has an opportunity to work together with lenders, consumer advocates, and civil rights experts to find a common ground proposal on disparate impact that is fair, clear, and remains a strong and effective tool for our nation in combatting all forms of housing discrimination.

We thank you for your consideration of our request to rethink the issuance of the proposed disparate impact rule at this time. If you have any questions you may reach out to Chrissi Johnson, Vice President of Federal Policy and External Affairs at chrissijohnson@rockcentraldetroit.com or 651-216-0396.

Sincerely,



Bill Emerson
Vice Chairman, Quicken Loans