

**Establishing Housing and Racial Equity,
Community Stability, and Economic
Security:
A Roadmap for the Second Half of the
Biden Administration's First Term and the
118th Congress**

February 2023





Where you live matters. It determines so many aspects of your life including where your kids go to school; your access to jobs, transportation, fresh food, and health care; your life expectancy; and so much more. In December 2020, the National Fair Housing Alliance set forth a bold, equity-based policy agenda for the Biden Administration and the 117th Congress to coordinate and direct their most immediate efforts – on the first day, during the first 100 days, and during the first year – toward accomplishing four key goals.

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities;
2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All;
3. Strengthening the Nation’s Fair Housing and Fair Lending Enforcement Infrastructure; and
4. Creating Greater Fairness in the Housing and Financial Services Industries.

NFHA has accomplished 66 percent of its administrative priorities with the Biden Administration thus far, and 75 percent (15 out of 20) of NFHA-supported nominees were confirmed to head agencies or serve in senior roles, including many from communities of color, with historic confirmations of Federal Reserve Governor Dr. Lisa D. Cook, and Federal Housing Finance Agency Director Sandra Thompson. We also made significant headwinds in advancing legislative solutions in the House of Representatives, including the highest level of funding for local fair housing enforcement; passage of the Downpayment Toward Equity Act in the House of Representatives and its introduction in the Senate; passage of the Build Back Better Act and the Neighborhood Homes Investment Act in the House; and funding to support housing for people with disabilities and Native communities.

Now, at the halfway point of the Biden Administration’s first term and the start of the 118th Congress, our nation faces the continuing impacts of the COVID-19 pandemic and a fair and affordable housing crisis that is driving inflation to historic levels – both of which are most pronounced for people and communities of color – and we remain committed to the four goals we laid out in 2020. We are also calling on the Biden Administration and Congress to create a national, comprehensive strategy to finally deal with housing as a core driver of inflation. Congress and the Biden Administration have the tools to help drive down housing’s significant role in inflation and must act to prevent the economy from tumbling into a recession, which will further devastate the frontline workers who were essential to keeping the economy afloat during the pandemic, often risking their very lives to do so. Frontline workers, their families, and communities continue to experience an uneven recovery. Accordingly, we must do more to ensure an equitable recovery.

Introduction

A continuing fair and affordable housing crisis, high interest rates, and a real estate market that heavily favors Wall Street investors over owner-occupants¹ are keeping people out of quality, affordable rental housing and preventing mortgage-ready individuals and families from purchasing their first homes. On top of these troubling realities, reports of housing discrimination have reached

¹ TJ Porter, “How real estate investors affect the housing shortage,” Bankrate, August 25, 2022, available at <https://www.bankrate.com/real-estate/how-investors-affect-housing-shortage/>.



an all-time high. NFHA's 2022 Fair Housing Trends Report² documents an unprecedented level of discrimination, particularly for people with disabilities. In 2021, consumers filed a record number of housing discrimination complaints – the highest number since NFHA began tracking this data 25 years ago; complaints increased by 8.7 percent over the previous year, and during that same period, the country has experienced an increase in reports of hate violence against Black, Latino, Asian, Native, and other communities of color.

The pandemic response has largely exacerbated wealth inequality in the United States.³ Since the start of the COVID-19 pandemic, the Federal Reserve Board's \$120 billion in monthly bond purchases, including \$40 billion per month in agency mortgage-backed securities, produced home equity growth of more than \$2.9 trillion since the second quarter of 2020.⁴ The Federal Reserve's decision to lower the federal funds rate kept mortgage interest rates at historic lows and stimulated home purchasing and refinancing, but Federal Reserve researchers have found that Black and Latino mortgage borrowers accumulated significantly less equity than their White counterparts.⁵ Moreover, only 6 percent of Black borrowers and 9 percent of Latino borrowers refinanced their homes to take advantage of historically low interest rates, compared to 12 percent of White borrowers.

² 2022 Fair Housing Trends Report, National Fair Housing Alliance (November 30, 2022),

<https://nationalfairhousing.org/wp-content/uploads/2022/11/2022-Fair-Housing-Trends-Report.pdf>

³ Joseph Stiglitz, "COVID Has Made Global Inequality Much Worse," Scientific American, March 1, 2022, available at

<https://www.scientificamerican.com/article/covid-has-made-global-inequality-much-worse/>.

⁴ See CoreLogic, *Homeowners Gained \$2.9 Trillion in Equity in Q2 2021*, CoreLogic Reports (Sept. 23, 2021)

<https://www.corelogic.com/press-releases/homeowners-gained-2-9-trillion-in-equity-in-q2-2021-corelogicreports>.

⁵ Kristopher Gerardi, Lauren Lambie-Hanson, and Paul Willen, *Racial Differences in Mortgage Refinancing, Distress, and Housing Wealth Accumulation during COVID-19*, Federal Reserve Banks of Atlanta, Philadelphia, and Boston (June 2021), <https://www.bostonfed.org/publications/current-policy-perspectives/2021/racial-differencesin-mortgage-refinancing-distress-and-housing-wealth-accumulation-during-covid-19.aspx>.



This pandemic policy is one among many throughout our nation's history that has yet again exacerbated the generational impacts of government-sponsored segregation and financial exclusion of people of color, costing our nation untold amounts of economic benefits. The COVID-19 infused housing boom led to a widening of racial wealth gaps. White homeowners were able to net a savings of \$3.8 billion dollars from loan refinances compared to just \$198 million for Black homeowners since 2020, which was less than 4 percent of overall savings.⁶ As a result of this disparity, Federal Reserve data showed the Black/White wealth gap widened by \$20 trillion by the end of September 2021.⁷

We have lost trillions of dollars in economic growth due to systemic racial inequality, and it is up to our nation's policymakers to truly harness the power of inclusive and equitable policies. One study estimates that improving access to housing credit would have resulted in an additional 770,000 Black homeowners and \$218 billion in sales and expenditures.⁸ Another analysis estimates that addressing racial disparities in homeownership could create nearly 800,000 jobs and generate \$400 billion in tax revenue.⁹ This analysis also found that, by not addressing housing inequality, nearly 5 million people have been prevented from homeownership opportunities. Eliminating racial inequities in the U.S. could also add \$5 trillion of growth in our GDP over the next five years.¹⁰

And we have seen the magic of inclusive, equitable housing policies during this trying time. For the first time in years, the Black and Latino homeownership rates increased during the pandemic between 2019 and 2021.¹¹ This is partially because of the homeowner protections and assistance included in the American Rescue Plan. And the federal government has made significant advances in reducing barriers to homeownership for people of color by adopting less discriminatory credit scoring models;¹² expanded funding for mission-oriented multifamily

⁶ Shawn Donnan, Ann Choi, Hannah Levitt, and Christopher Cannon, *Wells Fargo Rejected Half Its Black Applicants in Mortgage Refinancing Boom*, Bloomberg, (March 11, 2022), <https://www.bloomberg.com/graphics/2022-wellsfargo-black-home-loan-refinancing/>.

⁷ Ibid.

⁸ See, *In Pursuit of Equity: Why America's Future Depends on Closing the Racial Wealth Gap*, Citi, <https://www.nytimes.com/paidpost/citi/in-pursuit-of-equity.html>

⁹ Jeff Cox, *Morgan Stanley says Housing Discrimination Has Taken a Huge Toll on the Economy*, CNBC (November 13, 2020), <https://www.cnbc.com/2020/11/13/morgan-stanley-says-housing-discrimination-has-taken-a-huge-toll-on-the-economy.html>.

¹⁰ Dana M Peterson and Catherine L Mann, *Closing the Racial Inequality Gaps: The Economic Cost of Black Inequality in the U.S.*, Citi Global Perspectives and Solutions (September 2020), <https://www.citivelocity.com/citigps/closing-the-racial-inequality-gaps/>.

¹¹ Jung Hyun Choi and Amalie Zinn, "New Data Show Black and Latino Homeownership Rates Increased during the Pandemic," October 7, 2022, available at <https://www.urban.org/urban-wire/new-data-show-black-and-latino-homeownership-rates-increased-during-pandemic>.

¹² See "FHFA Announces Inclusion of Rental Payment History in Fannie Mae's Underwriting Process," August 11, 2021, available at <https://www.fhfa.gov/mobile/Pages/public-affairs-detail.aspx?PageName=FHFA-Announces-Inclusion-of-Rental-Payment-History-in-Fannie-Maes-Underwriting-Process.aspx>; See Federal Housing Administration Expands Access to Homeownership for First-Time Homebuyers Who Have Positive Rental History,' September 27, 2022, available at https://www.hud.gov/press/press_releases_media_advisories/HUD_No_22_187.



housing;¹³ and promoted the use of Special Purpose Credit Programs, which has spurred the creation of novel homeownership programs such as [First-Generation Downpayment Assistance](#) intended to expand Black homeownership.¹⁴

The Biden Administration took significant steps to undo the previous Administration’s dismantling of key fair housing tools such as Disparate Impact, Affirmatively Furthering Fair Housing, the Community Reinvestment Act, and Mixed-Status Family rules. These advancements must be expanded upon to reverse the broad harms of past discriminatory policies, and we must move forward using bold, innovative, and intentional public policy interventions that create equity. The Administration must now finalize key fair housing rules, expand fair housing enforcement, and develop programs and models that further support liquidity and market confidence for Special Purpose Credit Programs and First-Generation Downpayment Assistance. It must also prepare a whole-of-government approach to Fair Housing Act implementation.

Congress must address its failed housing legacy by passing comprehensive fair and affordable housing legislation that produces necessary housing units and assistance to guarantee access to all who need it. The longer Congress delays relief to families, the longer they will struggle to choose between shelter and putting food on the table. The Senate, in particular, must do its job and move quickly to advance the nominations of HUD Assistant Secretaries.

By adopting inclusive policies and meeting the housing needs of the public’s most vulnerable citizens, we can grow the economy and create shared prosperity. Paying particular attention to how policies and legislation affect people of color will be especially important, as they will make up the majority of future homeowners and renters. If our current economic outlook has taught us anything, it is that when housing needs are neglected, the entire economy suffers. Gone are the days when we could not speak about meeting the specific needs of people of color or acknowledge the need to target resources to them. If we are to grow our economy and ensure we can stay a competitive force throughout an increasingly volatile world, we must pursue racially conscious, targeted programs and investments that support the future pillars of our economy. Avoiding doing so would be the ultimate exercise in neglect.

The following priorities are marked to indicate whether they have been accomplished or if they remain incomplete.

¹³ See FHFA, News Release, “FHFA Announces 2022 Multifamily Loan Purchase Caps for Fannie Mae and Freddie Mac,” Oct. 13, 2021, available at <https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Announces-2022-Multifamily-Loan-Purchase-Caps-for-Fannie-Mae-and-Freddie-Mac.aspx>.

¹⁴ Demetria L. McCain, “Memorandum: FHEO’s Statement by HUD’s Office of Fair Housing and Equal Opportunity on Special Purpose Credit Programs as a Remedy for Disparities in Access to Homeownership,” December 7, 2021, available at https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO_Statement_on_Fair_Housing_and_Special_Purpose_Programs_FINAL.pdf; See San Diego Black Homebuyers Program, LISC San Diego, available at <https://www.lisc.org/san-diego/homebuyers/>.

Completed = 

Partially Completed = 


Incomplete = 

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

Executive Branch Actions



First Day Priority

Department of Housing and Urban Development (HUD)


-  Reinstating HUD's 2015 Affirmatively Furthering Fair Housing (AFFH) rule¹⁵, and take steps to implement the Fair Housing Act's AFFH mandate for ALL housing and community development programs throughout the federal government, as envisioned in the Fair Housing Act and [Executive Order 12892](#).

First 100 Days Priorities

HUD

-  Begin updating the data and mapping tool and Assessment Tools for local governments and public housing authorities (PHAs) and finalize these resources for states and insular areas and small PHAs to use to comply with the AFFH rule and the Fair Housing Act.
-  Update and reinstate the AFFH-related technical assistance programs and services using fair housing experts to assist entities in conducting meaningful Assessments of Fair Housing. This work should ensure entities can identify all barriers to fair housing—including addressing how residential segregation contributes to environmental, climate change, educational, employment, health, credit, transportation, and other disparities—and implement effective solutions to overcome them.

Federal Housing Finance Agency (FHFA)

-  Include more robust support for Shared Equity programs to support the development of affordable housing in the Government Sponsored Enterprises' (GSEs) Duty to Serve Plans. Require the GSEs, including the Federal Home Loan Banks, to increase

¹⁵ This priority may require use of the Congressional Review Act and entail Congress' use of this instrument to undo the 2020 AFFH Rule.



standardization in the process for underwriting loans that support Shared Equity Programs, expand educational awareness of the programs, develop pilot programs to explore best practices, and help develop tools to increase their use.

First Year Priorities

HUD

- Require more jurisdictions to implement HUD’s [Small Area Fair Market Rents](#) in calculating fair market rents for zip codes, expanding the pilot program, with a focus on jurisdictions that have persistently high levels of residential segregation.
- Provide Housing Choice Vouchers to every eligible household so that no one has to pay more than 30 percent of their income for rental housing.

FHFA

- Require the Federal Home Loan Banks to develop programming to steepen their support of fair housing activities and affordable housing development.

Federal Housing Administration (FHA)

- Significantly improve FHA’s 203(K) Rehabilitation Mortgage Insurance Program to make the process for securing a loan more consumer-friendly and efficient. Ensure borrowers can safely access the program, receive consultant referrals, and more easily fulfill the requirements of the program.

Multi-Agency Collaboration

- Require meaningful fair housing impact analyses in every effort to fill the nation’s affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).
- Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or Equal Credit Opportunity Act within the last five years (FHFA, Treasury, Federal Reserve, and HUD).

Congressional Actions

First 100 Days Priorities

- Provide funding for 300 staff at HUD to implement key AFFH-related priorities, including equipping appropriate staff to provide technical assistance to entities required to

- complete Assessments of Fair Housing. These staff should be placed in the Offices of Policy, Development and Research; Fair Housing and Equal Opportunity; General Counsel; Community Planning and Development; and Public and Indian Housing.
- ✘ Provide funding for Qualified Fair Housing Enforcement Organizations, Public Housing Authorities, jurisdictions, and other stakeholders to receive quality training on the AFFH requirement and effectively engage in a meaningful, robust AFFH process as prescribed in the 2015 Affirmatively Furthering Fair Housing Rule and accompanying Assessment of Fair Housing tools.¹⁶
- ✘
 - Expand and make permanent HUD’s Housing Mobility Demonstration.
- ✘
 - Include strong fair housing and lending accountability provisions in all housing and community development legislation, including all COVID-19 related legislation, and conduct oversight to ensure that such provisions are effectively enforced.
- ◐
 - Provide adequate funding to support the development of affordable housing opportunities to address the critical shortage of affordable housing units.
- ✘
 - Pass the [National Land Bank Network Act of 2020](#) to ensure that land banks use best practices; operate transparently; develop partnerships and programming to drive community redevelopment forward; and access education, expertise, and research to strengthen the critical work of land banks in supporting equitable communities.

First Year Priorities

- Pass the [Housing, Opportunity, Mobility, and Equity Act](#) to require Community Development Block Grant and Surface Transportation Block Grant recipients to develop
- ✘ a strategy to support inclusive zoning policies, to allow for a credit to support housing affordability, to advance fair housing goals, and other activities to help create viable, thriving communities.

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

Executive Branch Actions

First Day Priorities

¹⁶ For more information on the Affirmatively Furthering Fair Housing process, see <https://nationalfairhousing.org/affh/>.

HUD

- Provide guidance, using HUD’s authority under the Fair Housing Act, and in collaboration with the Consumer Financial Protection Bureau (CFPB) and prudential regulators, regarding how entities can design and market [Special Purpose Credit Programs](#) (SPCPs). HUD has the responsibility for interpreting the Fair Housing Act and it is imperative that it establishes that these programs do not violate but rather support and further the spirit of anti-discrimination laws. The federal government should foster the marketplace for SPCPs to support homeownership and wealth building for members of protected classes that have experienced systemic discrimination and/or been underserved by the mainstream financial market.



Office of the Comptroller of the Currency (OCC)

- Rescind the OCC’s revised Community Reinvestment Act (CRA) regulation and engage in joint-rulemaking with all regulators with CRA authority to ensure consistent standards apply to all lenders.¹⁷



FHFA

- Support and encourage the GSEs to establish a program to purchase loans originated through [Special Purpose Credit Programs](#).



CFPB

- Issue a template for lenders to follow to help them develop an effective [Special Purpose Credit Program](#). The CFPB can work with HUD and/or prudential regulators to develop this template.
- Ensure the Qualified Mortgage (QM) Rule appropriately emphasizes fair lending compliance and recognizes the dangers of pricing discrimination within U.S. financial markets. The QM Rule must place a strong emphasis on fair lending compliance to comport with the requirement in the Dodd Frank Wall Street Reform and Consumer Protection Act that the Truth in Lending Act be amended “to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive or abusive.”¹⁸



Multi-Agency Collaboration

- Engage in CRA joint rulemaking to ensure consistent standards apply to all lenders (OCC, Federal Reserve, Federal Deposit Insurance Corporation (FDIC)).¹⁹






¹⁷ This priority may require use of the Congressional Review Act.

¹⁸ 15 U.S.C. 1639b(a)(2)


¹⁹ This priority may require use of the Congressional Review Act.

First Year Priorities


FHFA

- Encourage the significant expansion of the GSEs' support for Small Dollar Mortgage Loan Programs. 
- Require the GSEs to adopt credit scoring systems that have less discriminatory impacts than currently accepted scores to provide greater credit access to underserved groups (in conjunction with FHA). 
- Require the GSEs to develop pilot mortgage programs that allow the use of non-traditional credit criteria like rental housing payment information, residual income, and housing payment shock and that include consumer default-prevention mechanisms to expand affordable credit access to underserved borrowers (in conjunction with FHA). 

FHA



- Develop pilot mortgage programs that allow the use of non-traditional credit criteria like rental housing payment information, residual income, and housing payment shock and that include consumer default-prevention mechanisms to expand affordable credit access to underserved borrowers (in conjunction with FHFA). 

Multi-Agency Collaboration

- Embrace innovative technologies designed to significantly reduce, and ultimately eliminate, bias in algorithmic-based systems (FHA, FHFA, VA). 

Congressional Actions

First Year Priorities

- Establish and fund a Racial Equity Fund to provide sustainable, affordable credit to borrowers impacted by historic and current discriminatory housing and lending practices and to close the racial wealth and homeownership gaps. 
- Enact the [Comprehensive Consumer Credit Reporting Reform Act](#), which would enhance consumers' credit reporting rights, create more transparency in the credit reporting and scoring processes, and increase the accountability of those who develop credit scoring models. 

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

Executive Branch Actions

First 100 Days Priorities

HUD

- Work to resolve outstanding litigation brought by civil rights groups challenging the 2020 Disparate Impact rule (in conjunction with DOJ).
- Immediately hire highly qualified enforcement staff within HUD's Office of Fair Housing and Equal Opportunity to fill all vacant career positions and propose the expansion of those staff to ensure at least 825 full time equivalent personnel and provide regular training and capacity-building for investigative staff for the next budget cycle.
- Clarify, in regulation or guidance, HUD's legal position stating that there is third-party liability as it pertains to harassment or Quid Pro Quo cases brought under the Fair Housing Act.

DOJ

- Work to identify and address systemic discrimination in housing and lending that involve other areas of abuse and discrimination facing people of color and other protected classes, including, for example, cases in which police authorities work to intimidate or target protected classes in public and private housing.
- Work to resolve outstanding litigation brought by civil rights groups challenging the 2020 Disparate Impact rule (in conjunction with HUD).

White House

- Reconstitute and expand the President's Fair Housing Council outlined in [Presidential Executive Order 12892](#) to affirmatively further fair housing, remedy the impacts of residential segregation, housing inequality, and structural racism in all federal programs.
- Appoint the Vice President of the United States as the Chair of the Council. The Council should meet in the first quarter of the new Administration's term.

Multi-Agency Collaboration

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

First Year Priorities

HUD

- Prioritize systemic enforcement actions through the use of Secretary-initiated complaints to address key fair housing issues such as enforcement against

discriminatory technology and predictive modeling systems used in the housing and financial services industries. HUD must coordinate this work by reconstituting and providing resources for an Office of Systemic Investigations within HUD's Office of Fair Housing and Equal Opportunity.



- Require consistent enforcement methodologies for administrative complaint investigations across all HUD regions.



DOJ

- Utilize the panoply of enforcement tools available to address systemic discrimination in the housing and lending markets. This should include, but not be limited to, use of the disparate impact standard under the Fair Housing Act and Equal Credit Opportunity Act.



- Develop a more robust DOJ fair housing testing program to deploy independently in areas where there are no Fair Housing Initiatives Program (FHIP)-funded testing programs and, where there are active local programs, contract with FHIP groups to do initial rounds of testing to identify targets for DOJ follow-up.



- Expeditiously file DOJ cases within 30 days where HUD issues a charge of discrimination and the case is referred to DOJ, as the Fair Housing Act requires. Relatedly, in contrast



to recent DOJ practice, limit the use of tolling agreements for HUD election cases to special circumstances.

Multi-Agency Collaboration

- Issue guidance concerning treatment and analysis of retaliatory counterclaims brought against fair housing and other civil rights organizations that bring civil rights actions against housing providers, lenders, and other parties. Guidance should include a statement that HUD will use its full authority to bring Secretary-initiated complaints against entities that file harassment and other retaliatory claims against plaintiff parties (HUD, DOJ).



- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial



intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).

Congressional Actions

First 100 Days Priorities

- Reinstate the expanded Home Mortgage Disclosure Act data reporting requirements mandated by Dodd-Frank and which were weakened by the Economic Growth, Regulatory Relief, and Consumer Protection Act of 2018 (Pub. L. 115-174).



NFHA

- Provide funding for at least 825 full-time equivalent personnel at HUD’s Office of Fair Housing and Equal Opportunity.



First Year Priorities

- Convert the Fair Housing Initiatives Program into an entitlement program that adequately funds Qualified Fair Housing Enforcement Organizations (QFHEOs) that currently exist and create new organizations in housing markets that do not have a QFHEO.



- Pass the [Housing Fairness Act of 2019](#).



- Eliminate the Communication Decency Act’s Section 230 immunity which shields online platforms from liability for their architectural choices which violate the Fair Housing Act, Equal Credit Opportunity Act, and other civil rights statutes.



4. Creating Greater Fairness in the Housing and Financial Services Sectors

Executive Branch Actions

First Day Priority

FHFA

- Elevate the Federal Housing Finance Agency’s Office of Fair Lending to ensure fair lending goals and principles play a more prominent role within the agency and the GSEs are in full compliance with fair housing laws, including the AFFH provision of the Fair Housing Act.



Office of Management and Budget (OMB)

- Withdraw the mis-named [Executive Order 13950](#)⁷ and accompanying [Memorandum](#) which seeks to prohibit federal agencies, employees, contractors, subcontractors, and grantees from using so-called “divisive concepts” typified as “systemic racism”, “White privilege”, “unconscious bias”, “intersectionality”, “Critical Race Theory”, and other concepts tied to systemic racism and sexism. The federal government should work immediately to resolve lawsuits brought by civil and human rights agencies challenging





this dangerous EO and its attempt to gag and stifle the truth about structural racism, sexism and inequality in America.

First 100 Days Priorities

FHFA

- Eliminate the GSEs’ Loan Level Pricing Adjustments added in the wake of the Great Recession.
- Adjust the GSEs’ Duty to Serve Plans to include an emphasis on Affirmatively Furthering Fair Housing in every goal and undertake activities to expand housing opportunities for groups disproportionately experiencing housing discrimination.
- Require the GSEs to adopt meaningful and significant goals to expand credit access and address housing inequities in Racially or Ethnically Concentrated Areas of Poverty in their Duty to Serve Plans.

HUD

- Establish a division within HUD to fulfill the agency’s obligation to provide effective fair housing oversight over Government Sponsored Enterprises.

First Year Priorities

FHFA

- The FHFA’s Office of Fair Lending must release a comprehensive report on the GSEs’ compliance with the nation’s fair housing and lending laws.

Congressional Actions

First 100 Days Priorities –

- Pass comprehensive appraisal reform legislation that creates fairness, accountability, and transparency in the nation’s property valuation system.

First Year Priorities

- Pass the [Equality Act of 2019](#) to codify LGBTQ and sex discrimination protections in all federal civil rights statutes.
- Pass the [Fair Housing Improvements Act of 2019](#) to create servicemember, veteran, and source of income protections under the Fair Housing Act.
- Pass full-year FY24 with increases to:
 - FHIP
 - FHAP
 - FHEO salaries and expenses
 - Housing Vouchers
 - Supportive Housing for People with Disabilities, native communities, and elders.
- Amend the “Duty to Serve” provisions of the Housing and Economic Recovery Act of 2008 to include “urban areas,” and “underserved markets” as explicit categories in addition to “rural areas,” “manufactured housing,” “affordable housing preservation,” and “Residential Economically Distressed areas” in the Duty to Serve requirements of the GSEs.

Additional Resources and Background Materials

Squires, G. (Ed.). (2018). [The Fight for Fair Housing: Causes, Consequences, and Future Implications of the 1968 Fair Housing Act](#). New York, NY: Routledge.

[“Defending Against Unprecedented Attacks on Fair Housing: 2019 Fair Housing Trends Report,”](#) National Fair Housing Alliance, 2020.

[“Fair Housing Solutions: Overcoming Real Estate Sales Discrimination,”](#) National Fair Housing Alliance, 2019.

[“Discrimination When Buying a Car: How The Color of Your Skin Can Affect Your Car Shopping Experience,”](#) National Fair Housing Alliance, 2018.

[“Long Island Divided,”](#) Newsday, 2019.

[“Missing Credit: How the U.S. Credit System Restricts Access to Consumers of Color,”](#) Testimony of Lisa Rice before the U.S. House Financial Services Committee, February 26, 2019.

[“The Cost of Segregation,”](#) Metropolitan Planning Council, Chicago.



[“Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing”](#) - Presidential Executive Order 12892

“Long Before Redlining: Racial Disparities in Homeownership Need Intentional Policies,” [Part 1](#) and [Part 2](#), Shelterforce, 2019.

[“Water/Color: A Study of Race & the Water Affordability Crisis in America’s Cities,”](#) The Thurgood Marshall Institute at the NAACP Legal Defense and Educational Fund, Inc., 2019.

[“Tracking Growth and Evaluating Performance of Shared Equity Homeownership Programs During Housing Market Fluctuations,”](#) Grounded Solutions and Lincoln Institute of Land Policy, 2019.

[“Land Banks and Land Banking, 2nd Edition,”](#) Center for Community Progress, 2015.

[“The Future of Fair Housing – Report of the National Commission on Fair Housing and Equal Opportunity,”](#) National Fair Housing Alliance, NAACP-Legal Defense and Educational Fund, Leadership Conference on Civil and Human Rights Education Fund, and Lawyers Committee for Civil Rights Under Law, 2008.

For more information, please contact Jorge Andres Soto, NFHA’s Associate Vice President of Advocacy and Government Affairs, at 202-898-1661 and JSoto@nationalfairhousing.org.

Below please find the following appendices that list our recommendations by agency.



- APPENDIX A: Congress
- APPENDIX B: Consumer Financial Protection Bureau (CFPB)
- APPENDIX C: Department of Education
- APPENDIX D: Department of Health and Human Services (HHS)
- APPENDIX E: Department of Housing and Urban Development (HUD)
- APPENDIX F: Department of Justice (DOJ)
- APPENDIX G: Department of Labor (DOL)
- APPENDIX H: Department of Transportation (DOT)
- APPENDIX I: Department of the Treasury
- APPENDIX J: Department of Veteran Affairs (VA)
- APPENDIX K: Environmental Protection Agency (EPA)
- APPENDIX L: Federal Deposit Insurance Corporation (FDIC)
- APPENDIX M: Federal Housing Administration (FHA)
- APPENDIX N: Federal Housing Finance Agency (FHFA)
- APPENDIX O: Federal Reserve
- APPENDIX P: Office of the Comptroller of the Currency (OCC)
- APPENDIX Q: Office of Management and Budget (OMB)
- APPENDIX R: White House

APPENDIX A: CONGRESS

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First 100 Days Priorities

- Provide funding for 300 staff at HUD to implement key AFFH-related priorities, including equipping appropriate staff to provide technical assistance to entities required to complete Assessments of Fair Housing. These staff should be placed in the Offices of Policy, Development and Research; Fair Housing and Equal Opportunity; General Counsel; Community Planning and Development; and Public and Indian Housing.
- Provide funding for Qualified Fair Housing Enforcement Organizations, Public Housing Authorities, jurisdictions, and other stakeholders to receive quality training on the AFFH requirement and effectively engage in a meaningful, robust AFFH process as prescribed in the 2015 Affirmatively Furthering Fair Housing Rule and accompanying Assessment of Fair Housing tools.²⁰
- Expand and make permanent HUD’s Housing Mobility Demonstration.
- Include strong fair housing and lending accountability provisions in all housing and community development legislation, including all COVID-19 related legislation, and conduct oversight to ensure that such provisions are effectively enforced.
- Provide adequate funding to support the development of affordable housing opportunities to address the critical shortage of affordable housing units.
- Pass the [National Land Bank Network Act of 2020](#) to ensure that land banks use best practices; operate transparently; develop partnerships and programming to drive community redevelopment forward; and access education, expertise, and research to strengthen the critical work of land banks in supporting equitable communities.

First Year Priorities

- Pass the [Housing, Opportunity, Mobility, and Equity Act](#) to require Community Development Block Grant and Surface Transportation Block Grant recipients to develop a strategy to support inclusive zoning policies, to allow for a credit to support housing affordability, to advance fair housing goals, and other activities to help create viable, thriving communities.

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

²⁰ For more information on the Affirmatively Furthering Fair Housing process, see <https://nationalfairhousing.org/affh/>.

First Year Priorities

- Establish and fund a Racial Equity Fund to provide sustainable, affordable credit to borrowers impacted by historic and current discriminatory housing and lending practices and to close the racial wealth and homeownership gaps.
- Enact the [Comprehensive Consumer Credit Reporting Reform Act](#), which would enhance consumers' credit reporting rights, create more transparency in the credit reporting and scoring processes, and increase the accountability of those who develop credit scoring models.

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priorities

- Reinstating the expanded Home Mortgage Disclosure Act data reporting requirements mandated by Dodd-Frank and which were weakened by the Economic Growth, Regulatory Relief, and Consumer Protection Act of 2018 (Pub. L. 115-174).
- Provide funding for at least 825 full-time equivalent personnel at HUD's Office of Fair Housing and Equal Opportunity.

First Year Priorities

- Convert the Fair Housing Initiatives Program into an entitlement program that adequately funds Qualified Fair Housing Enforcement Organizations (QFHEOs) that currently exist and create new organizations in housing markets that do not have a QFHEO.
- Pass the [Housing Fairness Act of 2019](#).
- Eliminate the Communication Decency Act's Section 230 immunity which shields online platforms from liability for their architectural choices which violate the Fair Housing Act, Equal Credit Opportunity Act, and other civil rights statutes.

4. Creating Greater Fairness in the Housing and Financial Services Sectors

First 100 Days Priorities –

- Pass comprehensive appraisal reform legislation that creates fairness, accountability, and transparency in the nation’s property valuation system.

First Year Priorities

- Pass the [Equality Act of 2019](#) to codify LGBTQ and sex discrimination protections in all federal civil rights statutes.
- Pass the [Fair Housing Improvements Act of 2019](#) to create servicemember, veteran, and source of income protections under the Fair Housing Act.
- Pass full-year FY24 with increases to:
 - FHIP
 - FHAP
 - FHEO salaries and expenses
 - Housing Vouchers
 - Supportive Housing for People with Disabilities, native communities, and elders.
- Amend the “Duty to Serve” provisions of the Housing and Economic Recovery Act of 2008 to include “urban areas,” and “underserved markets” as explicit categories in addition to “rural areas,” “manufactured housing,” “affordable housing preservation,” and “Residential Economically Distressed areas” in the Duty to Serve requirements of the GSEs.

APPENDIX B: CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priorities

- Issue a template for lenders to follow to help them develop an effective [Special Purpose Credit Program](#). The CFPB can work with HUD and/or prudential regulators to develop this template.
- Ensure the Qualified Mortgage (QM) Rule appropriately emphasizes fair lending compliance and recognizes the dangers of pricing discrimination within U.S. financial markets. The QM Rule must place a strong emphasis on fair lending compliance to comport with the requirement in the Dodd Frank Wall Street Reform and Consumer Protection Act that the Truth in Lending Act be amended “to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive or abusive.”²¹

3. Strengthening the Nation’s Fair Housing and Lending Enforcement Infrastructure

APPENDIX C: DEPARTMENT OF EDUCATION

²¹ 15 U.S.C. 1639b(a)(2)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

APPENDIX D: DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Day Priority

Department of Housing and Urban Development (HUD)

- Reinstating HUD's 2015 Affirmatively Furthering Fair Housing (AFFH) rule²², and take steps to implement the Fair Housing Act's AFFH mandate for ALL housing and community development programs throughout the federal government, as envisioned in the Fair Housing Act and [Executive Order 12892](#).

First 100 Days Priorities

HUD

- Begin updating the data and mapping tool and Assessment Tools for local governments and public housing authorities (PHAs) and finalize these resources for states and insular areas and small PHAs to use to comply with the AFFH rule and the Fair Housing Act.
- Update and reinstate the AFFH-related technical assistance programs and services using fair housing experts to assist entities in conducting meaningful Assessments of Fair Housing. This work should ensure entities can identify all barriers to fair housing—including addressing how residential segregation contributes to environmental, climate change, educational, employment, health, credit, transportation, and other disparities—and implement effective solutions to overcome them.

First Year Priorities

- Require more jurisdictions to implement HUD's [Small Area Fair Market Rents](#) in calculating fair market rents for zip codes, expanding the pilot program, with a focus on jurisdictions that have persistently high levels of residential segregation.
- Provide Housing Choice Vouchers to every eligible household so that no one has to pay more than 30 percent of their income for rental housing.
- Require meaningful fair housing impact analyses in every effort to fill the nation's affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).
- Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or

²² This priority may require use of the Congressional Review Act and entail Congress' use of this instrument to undo the 2020 AFFH Rule.

Equal Credit Opportunity Act within the last five years (FHFA, Treasury, Federal Reserve, and HUD).

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priority

- Provide guidance, using HUD’s authority under the Fair Housing Act, and in collaboration with the Consumer Financial Protection Bureau (CFPB) and prudential regulators, regarding how entities can design and market [Special Purpose Credit Programs](#) (SPCPs). HUD has the responsibility for interpreting the Fair Housing Act and it is imperative that it establishes that these programs do not violate but rather support and further the spirit of anti-discrimination laws. The federal government should foster the marketplace for SPCPs to support homeownership and wealth building for members of protected classes that have experienced systemic discrimination and/or been underserved by the mainstream financial market.



3. Strengthening the Nation’s Fair Housing and Lending Enforcement Infrastructure

First Day Priorities

First 100 Days Priorities

- Work to resolve outstanding litigation brought by civil rights groups challenging the 2020 Disparate Impact rule (in conjunction with DOJ).
- Immediately hire highly qualified enforcement staff within HUD’s Office of Fair Housing and Equal Opportunity to fill all vacant career positions and propose the expansion of those staff to ensure at least 825 full time equivalent personnel and provide regular training and capacity-building for investigative staff for the next budget cycle.
- Clarify, in regulation or guidance, HUD’s legal position stating that there is third-party liability as it pertains to harassment or Quid Pro Quo cases brought under the Fair Housing Act.
- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).



First Year Priorities

- Prioritize systemic enforcement actions through the use of Secretary-initiated complaints to address key fair housing issues such as enforcement against discriminatory technology and predictive modeling systems used in the housing and financial services industries. HUD must coordinate this work by reconstituting and providing resources for an Office of Systemic Investigations within HUD's Office of Fair Housing and Equal Opportunity.
- Require consistent enforcement methodologies for administrative complaint investigations across all HUD regions.
- Issue guidance concerning treatment and analysis of retaliatory counterclaims brought against fair housing and other civil rights organizations that bring civil rights actions against housing providers, lenders, and other parties. Guidance should include a statement that HUD will use its full authority to bring Secretary-initiated complaints against entities that file harassment and other retaliatory claims against plaintiff parties (HUD, DOJ).
- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).

4. Creating Greater Fairness in the Housing and Financial Services Sectors

First 100 Days Priorities

- Establish a division within HUD to fulfill the agency's obligation to provide effective fair housing oversight over Government Sponsored Enterprises.

APPENDIX F: DEPARTMENT OF JUSTICE (DOJ)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priorities

- Work to identify and address systemic discrimination in housing and lending that involve other areas of abuse and discrimination facing people of color and other protected classes, including, for example, cases in which police authorities work to intimidate or target protected classes in public and private housing.
- Work to resolve outstanding litigation brought by civil rights groups challenging the 2020 Disparate Impact rule (in conjunction with HUD).



First Year Priorities

- Utilize the panoply of enforcement tools available to address systemic discrimination in the housing and lending markets. This should include, but not be limited to, use of the disparate impact standard under the Fair Housing Act and Equal Credit Opportunity Act.
- Develop a more robust DOJ fair housing testing program to deploy independently in areas where there are no Fair Housing Initiatives Program (FHIP)-funded testing programs and, where there are active local programs, contract with FHIP groups to do initial rounds of testing to identify targets for DOJ follow-up.
- Expediently file DOJ cases within 30 days where HUD issues a charge of discrimination and the case is referred to DOJ, as the Fair Housing Act requires. Relatedly, in contrast to recent DOJ practice, limit the use of tolling agreements for HUD election cases to special circumstances.
- Issue guidance concerning treatment and analysis of retaliatory counterclaims brought against fair housing and other civil rights organizations that bring civil rights actions against housing providers, lenders, and other parties. Guidance should include a statement that HUD will use its full authority to bring Secretary-initiated complaints against entities that file harassment and other retaliatory claims against plaintiff parties (HUD, DOJ).



APPENDIX G: DEPARTMENT OF LABOR (DOL)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

APPENDIX H: DEPARTMENT OF TRANSPORTATION (DOT)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

APPENDIX I: DEPARTMENT OF THE TREASURY



1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Year Priorities

- Require meaningful fair housing impact analyses in every effort to fill the nation’s affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).
- Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or Equal Credit Opportunity Act within the last five years (FHFA, Treasury, Federal Reserve, and HUD).

3. Strengthening the Nation’s Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

APPENDIX J: DEPARTMENT OF VETERAN AFFAIRS (VA)

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Year Priority

- Require meaningful fair housing impact analyses in every effort to fill the nation's affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priority

- Engage in CRA joint rulemaking to ensure consistent standards apply to all lenders (OCC, Federal Reserve, Federal Deposit Insurance Corporation (FDIC)).²³

APPENDIX M: FEDERAL HOUSING ADMINISTRATION (FHA)

²³ This priority may require use of the Congressional Review Act.

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Year Priorities

- Significantly improve FHA's 203(K) Rehabilitation Mortgage Insurance Program to make the process for securing a loan more consumer-friendly and efficient. Ensure borrowers can safely access the program, receive consultant referrals, and more easily fulfill the requirements of the program.
- Require meaningful fair housing impact analyses in every effort to fill the nation's affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Year Priorities

- Adopt credit scoring systems that have less discriminatory impacts than currently accepted scores that provide greater credit access to underserved groups (in conjunction with FHFA).
- Develop pilot mortgage programs that allow the use of non-traditional credit criteria like rental housing payment information, residual income, and housing payment shock and that include consumer default-prevention mechanisms to expand affordable credit access to underserved borrowers (in conjunction with FHFA).
- Embrace innovative technologies designed to significantly reduce, and ultimately eliminate, bias in algorithmic-based systems (FHA, FHFA, VA).

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure


First Year Priority

- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).



APPENDIX N: FEDERAL HOUSING FINANCE AGENCY (FHFA)

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First 100 Days Priority


- Include more robust support for Shared Equity programs to support the development of affordable housing in the Government Sponsored Enterprises' (GSEs) Duty to Serve Plans.  Require the GSEs, including the Federal Home Loan Banks, to increase standardization in the process for underwriting loans that support Shared Equity Programs, expand educational awareness of the programs, develop pilot programs to explore best practices, and help develop tools to increase their use.

First Year Priorities


-  Require the Federal Home Loan Banks to develop programming to steepen their support of fair housing activities and affordable housing development.
-  Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or Equal Credit Opportunity Act within the last five years (FHFA, Treasury, Federal Reserve, and HUD).

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priority

-  Support and encourage the GSEs to establish a program to purchase loans originated through [Special Purpose Credit Programs](#).

First Year Priorities

-  Encourage the significant expansion of the GSEs' support for Small Dollar Mortgage Loan Programs.

- Require the GSEs to adopt credit scoring systems that have less discriminatory impacts than currently accepted scores to provide greater credit access to underserved groups (in conjunction with FHA).
- Require the GSEs to develop pilot mortgage programs that allow the use of non-traditional credit criteria like rental housing payment information, residual income, and housing payment shock and that include consumer default-prevention mechanisms to expand affordable credit access to underserved borrowers (in conjunction with FHA).
- Embrace innovative technologies designed to significantly reduce, and ultimately eliminate, bias in algorithmic-based systems (FHA, FHFA, VA).

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First Year Priority

- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).

4. Creating Greater Fairness in the Housing and Financial Services Sectors

First Day Priority

- Elevate the Federal Housing Finance Agency's Office of Fair Lending to ensure fair lending goals and principles play a more prominent role within the agency and the GSEs are in full compliance with fair housing laws, including the AFFH provision of the Fair Housing Act.

First 100 Days Priorities

- Eliminate the GSEs' Loan Level Pricing Adjustments added in the wake of the Great Recession.
- Adjust the GSEs' Duty to Serve Plans to include an emphasis on Affirmatively Furthering Fair Housing in every goal and undertake activities to expand housing opportunities for groups disproportionately experiencing housing discrimination.
- Require the GSEs to adopt meaningful and significant goals to expand credit access and address housing inequities in Racially or Ethnically Concentrated Areas of Poverty in their Duty to Serve Plans.

First Year Priority

- The FHFA’s Office of Fair Lending must release a comprehensive report on the GSEs’ compliance with the nation’s fair housing and lending laws.

APPENDIX O: FEDERAL RESERVE

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Year Priorities

- Require meaningful fair housing impact analyses in every effort to fill the nation’s affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).
- Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or Equal Credit Opportunity Act within the last five years (FHFA, Treasury, Federal Reserve, and HUD).

3. Strengthening the Nation’s Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

APPENDIX P: OFFICE OF THE COMPTROLLER OF THE CURRENCY (OCC)

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priority

- Rescind the OCC’s revised Community Reinvestment Act (CRA) regulation and engage in joint-rulemaking with all regulators with CRA authority to ensure consistent standards apply to all lenders.²⁴

3. Strengthening the Nation’s Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

First Year Priority

- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).

APPENDIX Q: OFFICE OF MANAGEMENT AND BUDGET (OMB)

4. Creating Greater Fairness in the Housing and Financial Services Sectors

²⁴ This priority may require use of the Congressional Review Act.

First Day Priority

- Withdraw the mis-named [Executive Order 13950](#)⁷ and accompanying [Memorandum](#) which seeks to prohibit federal agencies, employees, contractors, subcontractors, and grantees from using so-called “divisive concepts” typified as “systemic racism”, “White privilege”, “unconscious bias”, “intersectionality”, “Critical Race Theory”, and other concepts tied to systemic racism and sexism. The federal government should work immediately to resolve lawsuits brought by civil and human rights agencies challenging this dangerous EO and its attempt to gag and stifle the truth about structural racism, sexism and inequality in America.

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First Day Priority

- Reconstitute and expand the President's Fair Housing Council outlined in [Presidential Executive Order 12892](#) to affirmatively further fair housing, remedy the impacts of residential segregation, housing inequality, and structural racism in all federal programs.
- X** Appoint the Vice President of the United States as the Chair of the Council. The Council should meet in the first quarter of the new Administration's term.