

WHERE STATES LEAD

FAIR HOUSING · FAIR LENDING · RESPONSIBLE AI ENFORCEMENT



KEY TAKEAWAYS & PRACTICAL TOOLS



Five Core Insights

Authority

A shifting federal landscape does not eliminate state and local authority.

Theory

Define the potential harm first; the theory determines the proof you need.

Screen

Use public data and qualitative indicators before committing scarce resources.

Record

For technology-driven decisions, examine the data, model, system, and accountable actors.

Partner

Borrow capacity: testing groups, researchers, technologists, and legal experts.

Fair Housing

Fair housing presents enforcement opportunities of varying complexity – all states can help fill the void HUD has created no matter your experience level.

- **DISPARATE IMPACT:** identifying the policy, affected population, relevant data, causal connection between the policy and the disparity, and alternatives that are less discriminatory.
- **SCREENING:** examining criminal-record policies, tenant-screening systems, and other rules that may exclude protected groups.
- **DISABILITY RIGHTS:** preserving meaningful enforcement of assistance and service animals, accessibility, and other protections.
- **TESTING & SYSTEMIC REVIEW:** looking beyond individual complaints to identify patterns and practices.

Fair Lending Roadmap

- **PICK A THEORY** — Redlining, disparate treatment, and/or disparate impact.
- **SCREEN** — Use HMDA, census data, branches and services, loan-officer siting, marketing, and peer comparisons.
- **TARGET CAPACITY** — Use testing, file review, and expert analysis where preliminary evidence warrants

How NFHA Can Help:

BRING US THE PROBLEM. A complaint pattern, lender, vendor, policy, model, or practice. We can help identify a path forward.

ASSESS

Enforcement & risk assessments

TEST

Testing & monitoring

ANALYZE

Fair lending analytics

AI

Responsible AI risk & governance

TRAIN

Training & capacity building

ADVISE

Research, technical assistance & program design

Responsible AI: Build the Record

- **DATA** — Provenance, collection, known biases, limitations, and recommended uses.
- **MODEL** — Intended use and performance, including differences across relevant groups.
- **SYSTEM** — Component interactions, protected-data flows, audit controls, and human reliance.
- **ACCOUNTABILITY** — Who selected, configured, relied upon, or can help change the system?

Responsible AI: Build the Record

- **CFPB / FFIEC HMDA Data** — Mortgage applications, originations, denials, demographics, lender activity, and geography.
- **FFIEC Census Data** — Census, income, population, and housing data.
- **FDIC BankFind Suite** — Bank and branch/location information.
- **NMLS Consumer Access** — Public licensing information for mortgage companies and loan originators.
- **NFHA Redlining Toolkit** — Roadmap for public data relating to redlining risk and the laws and regulations governing enforcement and compliance.

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WHERE STATES LEAD

HOW NFHA CAN SUPPORT YOUR ENFORCEMENT WORK

Scope of Services for State Attorney General Offices and Local Civil Rights Agencies



WHY STATES, WHY NOW



Federal enforcement priorities have shifted sharply, but discrimination in housing, lending, insurance, and emerging technologies has not gone away. The Fair Housing Act remains in force, Inclusive Communities remains the Supreme Court's governing disparate-impact decision, and state civil rights, consumer protection, licensing, and other authorities provide independent paths to relief. State and local agencies are now positioned to lead, and they do not need to build every capability in-house to do it.

The National Fair Housing Alliance's (NFHA) Strategic Impact & Compliance Division partners with government agencies to strengthen civil rights enforcement. Our multidisciplinary team includes former U.S. DOJ, HUD, Federal Reserve, and Federal Housing Finance Agency attorneys; enforcement professionals; fair housing and fair lending experts; researchers; and AI engineers, AI safety and governance researchers, and data scientists from NFHA's Responsible AI Lab. We combine legal and regulatory expertise with testing, data analysis, and community insight to help agencies ferret out discrimination, including when it is hidden behind AI systems or facially neutral policies.

SCOPE OF SERVICES



Fair Lending & Redlining Analytics

HMDA and census screening, peer-lender comparisons, branch and loan-officer siting, and market analyses to spot redlining, disparate treatment, and disparate impact. Review of underwriting, pricing, marketing, and servicing practices.

Fair Housing & Systemic Barriers

Disparate impact analysis from policy to proof, disability-rights and accessibility matters, appraisal bias, and review of zoning, land-use, and planning practices—including affirmatively furthering fair housing (AFFH).

Civil Rights Testing & Monitoring

Design and implementation of matched-pair and systemic testing across housing, lending, insurance, and technology; testing protocols and documentation; and help building internal testing capacity.

Tenant Screening, Insurance & Emerging Markets

Assessment of criminal-record, eviction, credit, and income screening criteria and automated screening systems, plus analysis of geographic and demographic disparities in homeowners insurance availability, pricing, and coverage.

Responsible AI & Algorithmic Discrimination

AI and automated decision system risk assessments, documentation review (data, model and system cards), red-teaming, fairness testing, and less discriminatory alternative searches, plus enabling governance procedures for an agency's own use of AI tools.

Enforcement Process Review & Case Development

Assessment of intake, triage, and investigative processes; investigator-attorney coordination on individual and multi-party matters; evidentiary development; and strategic technical support on complex or novel matters.

Training & Capacity Building

Customized in-person or virtual training for investigators, attorneys, examiners, analysts, and leadership on fair housing, fair lending, disparate impact, and AI, with training guides, resource manuals, and post-training technical support.

Outreach, Remedies & Monitoring

Public education for housing seekers and housing providers, remedy design that reaches the mechanism of harm (such as Community Credit Needs Assessments), and implementation, monitoring, and evaluation support

Why NFHA?

Legal and technical capacity in one team. Counsel and policy experts translate technical findings into legal theories, standards, and enforceable relief.

Practical enforcement support. We help agencies screen before they spend, build a defensible record, and design remedies that change systems.

Lasting internal capacity. Our work is designed for knowledge transfer, so your staff are better equipped long after an engagement ends

Let's talk. We welcome the opportunity to learn about your enforcement priorities and scope a partnership. To start a conversation, contact Oneshia Herring, NFHA SVP & Counsel at OHerring@nationalfairhousing.org.