

Union Calendar No. 404

111TH CONGRESS
2^D SESSION

H. R. 476

[Report No. 111-678]

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 13, 2009

Mr. AL GREEN of Texas (for himself, Ms. WATERS, Mr. ELLISON, Mr. CLAY, Mr. HINOJOSA, Mr. MEEK of Florida, Mr. LARSON of Connecticut, Mr. SIRES, Mr. SERRANO, Mr. PASTOR of Arizona, Mr. CLEAVER, Mr. MCGOVERN, Ms. EDWARDS of Maryland, Mr. MORAN of Virginia, Mr. CARNAHAN, Mr. GONZALEZ, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Financial Services

DECEMBER 9, 2010

Additional sponsors: Ms. SUTTON, Ms. KILPATRICK of Michigan, Mr. CAPUANO, Ms. LEE of California, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HONDA, Mr. MCNERNEY, Mr. JOHNSON of Georgia, Ms. CLARKE, Mr. DAVIS of Alabama, Mr. LEWIS of Georgia, Mr. FILNER, Mr. SABLAN, Mr. GUTIERREZ, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. CHU, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. THOMPSON of Mississippi, Mr. DICKS, Mr. ABERCROMBIE, Ms. WOOLSEY, Mr. GENE GREEN of Texas, Mr. CAO, Ms. JACKSON LEE of Texas, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. COHEN, Ms. FUDGE, Mr. RANGEL, Ms. MATSUI, Ms. WATSON, Mr. ORTIZ, Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Ms. VELÁZQUEZ, Mr. RUSH, Ms. ROYBAL-ALLARD, Mr. MAFFEI, Mr. LYNCH, Ms. HIRONO, Mr. BACA, Mr. CARSON of Indiana, Mr. WATT, Mr. PERLMUTTER, and Mr. JACKSON of Illinois

DECEMBER 9, 2010

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 13, 2009]

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 pur-
poses.

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, Fami-*
5 *lies with Children, and Persons With Disabilities Housing*
6 *Fairness Act of 2010”.*

7 **SEC. 2. TESTING FOR DISCRIMINATION.**

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

11 (1) *detect and document differences in the treat-*
12 *ment of persons seeking to rent or purchase housing*
13 *or obtain or refinance a home mortgage loan, and*
14 *measure patterns of adverse treatment because of the*
15 *race, color, religion, sex, familial status, disability*
16 *status, or national origin of a renter, home buyer, or*
17 *borrower; and*

18 (2) *measure the prevalence of such discrimina-*
19 *tory practices across the housing and mortgage lend-*
20 *ing markets as a whole.*

21 (b) *ADMINISTRATION.*—*The Secretary of Housing and*
22 *Urban Development shall enter into agreements with quali-*
23 *fied fair housing enforcement organizations, as such organi-*
24 *zations are defined under subsection (h) of section 561 of*
25 *the Housing and Community Development Act of 1987 (42*

1 *U.S.C. 3616a(h)), for the purpose of conducting the testing*
2 *required under subsection (a).*

3 *(c) PROGRAM REQUIREMENTS.—The Secretary shall—*

4 *(1) submit to the Congress an evaluation by the*
5 *Secretary of the effectiveness of the program under*
6 *this section; and*

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

9 *(A) a description of the assisted activities*
10 *proposed to be undertaken by the applicant;*

11 *(B) a description of the experience of the*
12 *applicant in formulating or carrying out pro-*
13 *grams to carry out the activities described in*
14 *subsection (a); and*

15 *(C) a description of proposed procedures to*
16 *be used by the applicant for evaluating the re-*
17 *sults of the activities proposed to be carried out*
18 *under the program.*

19 *(d) REPORT.—The Secretary of Housing and Urban*
20 *Development shall report to Congress—*

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

1 (2) *on an annual basis, a detailed summary of*
2 *the messages received by the Office of Fair Housing*
3 *and Equal Opportunity of the Department through*
4 *its 24-hour toll-free telephone hotline, through elec-*
5 *tronic mail, and through its website.*

6 *The Secretary may submit the reports required under para-*
7 *graph (1) of this subsection as part of the reports prepared*
8 *in accordance with paragraphs (2) and (6) of section 808(e)*
9 *of the Fair Housing Act (42 U.S.C. 3608(e)) and section*
10 *561(j) of the Housing and Community Development Act of*
11 *1987 (42 U.S.C. 3616a(j)).*

12 (e) *USE OF RESULTS.—The results of any testing re-*
13 *quired under subsection (a) may be used as the basis for*
14 *the Secretary, or any Federal agency authorized to bring*
15 *such an enforcement action, or any State or local govern-*
16 *ment or agency, public or private nonprofit organization*
17 *or institution, or other public or private entity that the Sec-*
18 *retary has entered into a contract or cooperative agreement*
19 *with under section 561 of the Housing and Community De-*
20 *velopment Act of 1987 (42 U.S.C. 3616a) to commence, un-*
21 *dertake, or pursue any investigation or enforcement action*
22 *to remedy any discriminatory housing practice (as such*
23 *term is defined in section 802 of the Fair Housing Act (42*
24 *U.S.C. 3602)) uncovered as a result of such testing.*

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

1 (1) *DISABILITY STATUS*.—The term “disability
2 status” has the same meaning given the term “handi-
3 cap” in section 802 of the Civil Rights Act of 1968
4 (42 U.S.C. 3602).

5 (2) *FAMILIAL STATUS*.—The term “familial sta-
6 tus” has the same meaning given that term in section
7 802 of the Civil Rights Act of 1968 (42 U.S.C. 3602).

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

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

1 (i) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to carry out the provisions*
3 *of this section \$15,000,000 for each of fiscal years 2011*
4 *through 2015.*

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

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

10 (1) *in subsection (b)—*

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

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

17 (2) *by striking subsection (g) and inserting the*
18 *following:*

19 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—

20 “(1) *IN GENERAL.*—*There are authorized to be*
21 *appropriated to carry out the provisions of this sec-*
22 *tion \$42,500,000 for each of fiscal years 2011 through*
23 *2015, of which—*

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

4 “(B) not more than 10 percent of such
5 amounts shall be for education and outreach pro-
6 grams under subsection (d); and

7 “(C) any remaining amounts shall be used
8 for program activities authorized under this sec-
9 tion.

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

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

17 (4) in subsection (d)—

18 (A) in paragraph (1)—

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

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

23 (iii) by adding after subparagraph (D)
24 the following new subparagraph:

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

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

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

7 (b) *REGULATIONS.*—Not later than the expiration of
8 the 180-day period beginning on the date of the enactment
9 of this Act, the Secretary of Housing and Urban Develop-
10 ment shall issue regulations that establish minimum stand-
11 ards for the training of testers of organizations funded with
12 any amounts made available to carry out this section for
13 any of fiscal years 2011 through 2015. Such regulations
14 shall serve as the basis of an evaluation of such testers,
15 which shall be developed by the Secretary, and shall be
16 issued after notice and an opportunity for public comment
17 in accordance with the procedure under section 553 of title
18 5, United States Code, applicable to substantive rules (not-
19 withstanding subsections (a)(2), (b)(B), and (d)(3) of such
20 section).

21 **SEC. 4. SENSE OF CONGRESS.**

22 It is the sense of Congress that the Secretary of Hous-
23 ing and Urban Development should—

24 (1) fully comply with the requirements of section
25 561(d) of the Housing and Community Development

1 *Act of 1987 (42 U.S.C. 3616a(d)) to establish, design,*
2 *and maintain a national education and outreach pro-*
3 *gram to provide a centralized, coordinated effort for*
4 *the development and dissemination of the fair housing*
5 *rights of individuals who seek to rent, purchase, sell,*
6 *or facilitate the sale of a home;*

7 (2) *expend for such education and outreach pro-*
8 *grams all amounts appropriated for such programs;*

9 (3) *promulgate regulations regarding the fair*
10 *housing obligations of each recipient of Federal hous-*
11 *ing and community development funds to affirma-*
12 *tively further fair housing, as that term is defined*
13 *under title VIII of the Civil Rights Act of 1968 (42*
14 *U.S.C. 3601 et seq.); and*

15 (4) *fully comply with the requirements of section*
16 *810(a) of the Fair Housing Act (42 U.S.C. 3610(a)).*

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

19 (a) *GRANT PROGRAM.*—*The Secretary of Housing and*
20 *Urban Development shall carry out a competitive matching*
21 *grant program to assist public and private nonprofit orga-*
22 *nizations in—*

23 (1) *conducting comprehensive studies that exam-*
24 *ine—*

1 (A) *the causes of housing discrimination*
2 *and segregation;*

3 (B) *the effects of housing discrimination*
4 *and segregation on education, poverty, and eco-*
5 *nomie development; or*

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

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

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

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

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

22 (3) *meet the requirements of a qualified fair*
23 *housing enforcement organization, as such term is de-*
24 *defined in section 561(h) of the Housing and Commu-*
25 *nity Development Act of 1987 (42 U.S.C. 3616a(h)),*

1 or subcontract with a qualified fair housing enforce-
2 ment organization as a primary subcontractor.

3 (c) *REPORT.*—*The Secretary of Housing and Urban*
4 *Development shall submit a report to the Congress on a bi-*
5 *ennial basis that provides a detailed summary of the results*
6 *of the comprehensive studies and pilot projects carried out*
7 *under subsection (a), together with any recommendations*
8 *or proposals for legislative or administrative actions to ad-*
9 *dress any issues raised by such studies. The Secretary may*
10 *submit the reports required under this subsection as part*
11 *of the reports prepared in accordance with paragraphs (2)*
12 *and (6) of section 808(e) of the Fair Housing Act (42 U.S.C.*
13 *10 3608(e)) and section 561(j) of the Housing and Commu-*
14 *nity Development Act of 1987 (42 U.S.C. 3616a(j)).*

15 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
16 *authorized to be appropriated to carry out the provisions*
17 *of this section \$5,000,000 for each of fiscal years 2011*
18 *through 2015.*

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

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

- 1 *in political activities or preparation of or provision of ad-*
- 2 *vice on tax returns.*

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