

117TH CONGRESS
1ST SESSION

S. 2549

To authorize a grant program for educational institutions to analyze, digitize, and map historic records relating to housing discrimination, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2021

Ms. SMITH (for herself, Mr. BROWN, Mr. VAN HOLLEN, Ms. WARREN, Mr. MENENDEZ, Mr. SANDERS, Mr. CASEY, Ms. KLOBUCHAR, Mr. WYDEN, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. MURPHY, Mr. PADILLA, and Mr. OSSOFF) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To authorize a grant program for educational institutions to analyze, digitize, and map historic records relating to housing discrimination, 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 “Mapping Housing Dis-
5 crimination Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to support—

1 (1) efforts by educational institutions to con-
 2 duct primary analysis and digitization of historic
 3 housing discrimination patterns between 1850 and
 4 1988;

5 (2) efforts by local governments to digitize
 6 property deeds and other historic records relating to
 7 housing discrimination; and

8 (3) the creation of a national, publicly available
 9 database of local records of housing discrimination
 10 patterns between 1850 and 1988.

11 **SEC. 3. GRANT PROGRAM.**

12 (a) DEFINITIONS.—In this section:

13 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 14 ty”—

15 (A) means an institution of higher edu-
 16 cation (as defined in section 101 of the Higher
 17 Education Act of 1965 (20 U.S.C. 1001)); and

18 (B) includes a minority-serving institution.

19 (2) HISTORIC HOUSING DISCRIMINATION
 20 RECORD.—The term “historic housing discrimina-
 21 tion record” means—

22 (A) a deed or other historic property
 23 record originating between 1850 and 1988 in
 24 which there is evidence of housing discrimina-
 25 tion, which may include—

1 (i) a racial covenant or other provision
 2 in a property deed that was legally enforce-
 3 able on the date on which the racial cov-
 4 enant or other provision was written; or

5 (ii) racially restrictive language in any
 6 agreement entered into by the developer of
 7 a subdivision, a neighborhood association,
 8 a real estate operator, or a group of prop-
 9 erty owners; or

10 (B) a State law, a local ordinance, or a
 11 document that presents evidence of a State law
 12 or local ordinance, that—

13 (i) originated between 1850 and 1988;
 14 and

15 (ii) permitted housing discrimination.

16 (3) JURISDICTION.—The term “jurisdiction”
 17 means—

18 (A) a political subdivision of a State; or

19 (B) the District of Columbia.

20 (4) MAPPING PROJECT.—The term “mapping
 21 project” means a project performed with a grant
 22 awarded under subsection (b)(1).

23 (5) MINORITY-SERVING INSTITUTION.—The
 24 term “minority-serving institution” means an insti-
 25 tution of higher education described in section

1 371(a) of the Higher Education Act of 1965 (20
2 U.S.C. 1067q(a)).

3 (6) OFFICE.—The term “Office”, except as oth-
4 erwise specified, means the Office of Policy Develop-
5 ment and Research of the Department of Housing
6 and Urban Development.

7 (7) OFFICE OF FAIR HOUSING AND EQUAL OP-
8 PORTUNITY.—The term “Office of Fair Housing and
9 Equal Opportunity” means the Office of Fair Hous-
10 ing and Equal Opportunity of the Department of
11 Housing and Urban Development.

12 (8) STATE.—The term “State” means any
13 State of the United States.

14 (b) MAPPING PROJECTS.—

15 (1) IN GENERAL.—The Office may award
16 grants on a competitive basis to eligible entities for
17 the purpose of performing projects for analyzing,
18 digitizing, and mapping the historic housing dis-
19 crimination records of not less than 1 jurisdiction.

20 (2) DURATION AND AMOUNT.—

21 (A) DURATION.—The duration of a map-
22 ping project shall be not more than 3 years.

23 (B) AMOUNT.—In determining the amount
24 of a grant under this section, the Office shall
25 consider—

1 (i) the size of the jurisdiction or juris-
2 dictions that are the focus of the mapping
3 project; and

4 (ii) the estimated duration of the
5 mapping project included in the application
6 of an eligible entity under paragraph
7 (3)(B)(ii).

8 (3) APPLICATIONS.—

9 (A) IN GENERAL.—An eligible entity desir-
10 ing a grant under this section shall submit to
11 the Office an application at such time, in such
12 manner, and accompanied by such information
13 as the Office may require.

14 (B) CONTENTS.—An application submitted
15 by an eligible entity under this paragraph shall
16 include a description of—

17 (i) each jurisdiction that will be the
18 focus of the mapping project;

19 (ii) the estimated duration of the
20 mapping project;

21 (iii) any necessary partnership with a
22 jurisdiction to digitize and collect historic
23 housing discrimination records, including
24 any—

1 (I) memorandum of under-
2 standing entered into by the eligible
3 entity and the jurisdiction; or

4 (II) compensation given to the
5 jurisdiction to aid in document
6 digitization efforts;

7 (iv) the methodology that the eligible
8 entity will use to—

9 (I) review documents for racial
10 covenants or racially restrictive lan-
11 guage;

12 (II) compile historic housing dis-
13 crimination records; and

14 (III) create a spatial dataset of
15 historic housing discrimination
16 records;

17 (v) any research the eligible entity has
18 already conducted on historic housing dis-
19 crimination records in a jurisdiction that
20 will be a focus of the mapping project; and

21 (vi) if the eligible entity has conducted
22 any research described in clause (v), a plan
23 for coordinating that research with re-
24 search the eligible entity will perform dur-
25 ing the mapping project.

1 (4) PROJECT REQUIREMENTS.—An eligible enti-
2 ty that performs a mapping project shall—

3 (A) use the data standards developed
4 under paragraph (6) to create and maintain a
5 dataset relating to historic housing discrimina-
6 tion records; and

7 (B) upon the completion of the mapping
8 project, submit to the Office—

9 (i) the dataset required under sub-
10 paragraph (A); and

11 (ii) with respect to the dataset re-
12 quired under subparagraph (A)—

13 (I) raw data relating to the
14 dataset;

15 (II) metadata that describes—

16 (aa) the methodology of the
17 eligible entity in creating the
18 dataset; and

19 (bb) the dataset; and

20 (III) any other information rel-
21 evant to the creation of the dataset.

22 (5) USE OF FUNDS.—An eligible entity may use
23 funds from a grant under this section to—

24 (A) confer with other educational institu-
25 tions or other entities conducting research on

1 historic housing discrimination patterns to de-
2 velop and adopt best practices for—

3 (i) coordination with jurisdictions;

4 (ii) data collection;

5 (iii) the involvement of volunteer re-
6 searchers in mapping projects; and

7 (iv) the creation of spatial datasets of
8 historic housing discrimination records;

9 (B) compensate jurisdictions to aid in the
10 digitization of local property deeds or other
11 records;

12 (C) develop or purchase digital tools to
13 identify racial covenants in digitized property
14 deeds or other records;

15 (D) create a spatial dataset of historic
16 housing discrimination records; and

17 (E) make the submission required under
18 paragraph (4)(B).

19 (6) DATA STANDARDS.—

20 (A) IN GENERAL.—Not later than 1 year
21 after the date of enactment of this Act, the Of-
22 fice, in coordination with the Office of Fair
23 Housing and Equal Opportunity, shall establish
24 a set of uniform data standards for the anal-
25 ysis, digitization, and mapping of historic hous-

1 ing discrimination records with which eligible
2 entities performing mapping projects shall com-
3 ply.

4 (B) METADATA.—The set of uniform data
5 standards established under subparagraph (A)
6 shall include guidance for the creation of the
7 metadata required under paragraph
8 (4)(B)(ii)(II).

9 (C) INPUT.—In developing the uniform
10 data standards under subparagraph (A), the
11 Office shall seek input from educational institu-
12 tions or other entities conducting research on
13 historic housing discrimination patterns.

14 (D) THIRD PARTY PROPOSAL.—

15 (i) IN GENERAL.—The Office may
16 award a grant to, or enter into a contract
17 with, a non-Federal entity on a competitive
18 basis for the purpose of proposing the uni-
19 form data standards required to be estab-
20 lished under subparagraph (A).

21 (ii) INPUT.—A non-Federal entity
22 that proposes uniform data standards
23 under clause (i) shall seek input from the
24 entities described in subparagraph (C).

25 (7) NATIONAL DATABASE.—

1 (A) IN GENERAL.—

2 (i) CREATION.—Subject to clause (ii),
3 the Office shall use the data submitted by
4 eligible entities under paragraph (4)(B) to
5 create a national database of historic hous-
6 ing discrimination records.

7 (ii) OPTIONAL 6-MONTH DELAY.—At
8 the request of an eligible entity, the Office
9 shall wait to add data submitted by the eli-
10 gible entity under paragraph (4)(B) to the
11 national database created under clause (i)
12 of this subparagraph until the date that is
13 180 days after the date on which the eligi-
14 ble entity submitted the data.

15 (B) PUBLIC AVAILABILITY.—

16 (i) IN GENERAL.—The Office shall
17 make the database created under subpara-
18 graph (A) publicly available at no cost on
19 the website of the Office.

20 (ii) OTHER INFORMATION.—At the re-
21 quest of any individual, the Office shall
22 provide the individual with the information
23 submitted by an eligible entity under para-
24 graph (4)(B)(ii).

1 (C) OPTIONAL ADDITIONS.—The Office
2 may import Federal data relating to historic
3 housing discrimination records into the national
4 database created under subparagraph (A).

5 (8) DIGITIZATION.—If an eligible entity com-
6 pensates a jurisdiction for the purpose of digitizing
7 local property deeds or other records with funds
8 from a mapping project, the jurisdiction shall make
9 those deeds and records publicly available at no cost.

10 (c) REPORTS.—

11 (1) PROJECT REPORT.—Not later than 180
12 days after the date on which an eligible entity re-
13 ceives a grant under this section, and annually
14 thereafter for the duration of the mapping project,
15 an eligible entity performing a mapping project shall
16 submit to the Office a report on the status of the
17 mapping project, which shall include information on
18 the progress of the eligible entity—

19 (A) in community outreach and engage-
20 ment, including whether volunteers are involved
21 in the mapping project;

22 (B) on any necessary collaboration with a
23 jurisdiction for the purpose of digitizing historic
24 housing discrimination records;

1 (C) on data collection and identification of
2 historic housing discrimination records relating
3 to racial discrimination;

4 (D) on data collection and the identifica-
5 tion of historic housing discrimination records
6 that suggest a pattern of discrimination against
7 individuals with any protected characteristic
8 other than race; and

9 (E) on the creation of the dataset required
10 under subsection (b)(4)(A).

11 (2) REPORT TO CONGRESS.—Not later than 1
12 year after the date of enactment of this Act, and not
13 less frequently than once every 3 years thereafter,
14 the Office shall submit to the Committee on Bank-
15 ing, Housing, and Urban Affairs of the Senate and
16 the Committee on Financial Services of the House of
17 Representatives a report that includes—

18 (A) information relating to—

19 (i) the status of the grant program es-
20 tablished under subsection (b), including a
21 list of the ongoing and completed mapping
22 projects and the jurisdictions that are the
23 focus of those mapping projects;

24 (ii) the status of the national database
25 required under subsection (b)(7); and

1 (iii) any research the Office or the
 2 Secretary of Housing and Urban Develop-
 3 ment performs with information from the
 4 national database required under sub-
 5 section (b)(7); and

6 (B) an addendum from the Office of Fair
 7 Housing and Equal Opportunity that details—

8 (i) the involvement of the Office of
 9 Fair Housing and Equal Opportunity in
 10 the grant program established under sub-
 11 section (b), including any coordination with
 12 the Office of Policy Development and Re-
 13 search of the Department of Housing and
 14 Urban Development; and

15 (ii) how the grant program established
 16 under subsection (b) relates to—

17 (I) the mission of the Office of
 18 Fair Housing and Equal Opportunity
 19 to enforce the Fair Housing Act (42
 20 U.S.C. 3601 et seq.); and

21 (II) any ongoing work of the Of-
 22 fice of Fair Housing and Equal Op-
 23 portunity.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 25 are authorized to be appropriated to the Office—

- 1 (1) \$5,000,000 for each of fiscal years 2022
2 through 2031 to award grants under subsection (b);
3 and
4 (2) \$750,000 for each of fiscal years 2022
5 through 2031, to remain available until expended,
6 for costs associated with carrying out the require-
7 ments of this Act.

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