

Disparate Impact

- A pillar of anti-discrimination law that allows anyone to challenge a law or policy that appears neutral on its face but has an unjustifiably discriminatory effect on a protected class.
- Neutral policies can hide intentional and unintentional (unconscious) bias.

Brief History

In 2020, HUD decided to change the 2013 Disparate Impact rule to make it harder to bring discrimination cases. MFHC joined with civil rights attorneys (LCR and Anderson and Krieger) in September 2020 to oppose the implementation of the rule.

Litigation timeline – 31 days

- 9/24/20 HUD rule published in Federal Register
- 9/28/20 Complaint filed
- 10/6/20 Motion for Preliminary Injunction filed
- 10/16/20 Hearing on Motion
- 10/25/20 Court issued ruling to prevent nationwide implementation

Why is Disparate Impact Important?

- If HUD had successfully implemented its new rule it would have made it nearly impossible to use our legal system to challenge **systemic racial discrimination and segregation** in housing, along with all other forms of systemic housing discrimination against people in other protected classes.

Racial Residential Segregation

Perpetuates inequities in:

- Housing
- Education
- Employment
- Health care - COVID-19
- Wealth/Homeownership
- Clean air - Impacts of climate change
- Recreation
- Exposure to criminal justice system
- Municipal Services - Policing

Building Fair Housing Back Better during an epidemic of racial injustice, police violence and COVID-19

- Strengthen the new Disparate Impact and AFFH Rules to dismantle the policies that perpetuate racial residential segregation
- Replicate Boston's AFFH Ordinance
- Increase funding for private fair housing organizations to end systemic housing discrimination in rental markets against housing voucher recipients and families with children under age six (in Massachusetts)

**end
systemic
racism.**