

## [COMMITTEE PRINT]

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[Showing the text of H.R. 476, as reported by the Subcommittee on Housing and Community Opportunity on May 27, 2010]

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111TH CONGRESS  
1ST SESSION

# H. R. 476

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.

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## 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

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## 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 purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans, Women,  
3 Families with Children, and Persons With Disabilities  
4 Housing Fairness Act of 2010”.

5 **SEC. 2. TESTING FOR DISCRIMINATION.**

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

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

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

19 (b) **ADMINISTRATION.**—The Secretary of Housing  
20 and Urban Development shall enter into agreements with  
21 qualified fair housing enforcement organizations, as such  
22 organizations are defined under subsection (h) of section  
23 561 of the Housing and Community Development Act of  
24 1987 (42 U.S.C. 3616a(h)), for the purpose of conducting  
25 the testing required under subsection (a).

1 (c) PROGRAM REQUIREMENTS.—The Secretary  
2 shall—

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

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

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

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

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

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

20 (1) on a biennial basis, the aggregate outcomes  
21 of testing required under subsection (a) along with  
22 any recommendations or proposals for legislative or  
23 administrative action to address any issues raised by  
24 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  
7           paragraph (1) of this subsection as part of the reports  
8           prepared in accordance with paragraphs (2) and (6) of  
9           section 808(e) of the Fair Housing Act (42 U.S.C.  
10          3608(e)) and section 561(j) of the Housing and Commu-  
11          nity Development Act of 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  
18          Secretary has entered into a contract or cooperative agree-  
19          ment with under section 561 of the Housing and Commu-  
20          nity Development Act of 1987 (42 U.S.C. 3616a) to com-  
21          mence, undertake, or pursue any investigation or enforce-  
22          ment action to remedy any discriminatory housing practice  
23          (as such term is defined in section 802 of the Fair Hous-  
24          ing Act (42 U.S.C. 3602)) uncovered as a result of such  
25          testing.

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

2 (1) DISABILITY STATUS.—The term “disability  
3 status” has the same meaning given the term  
4 “handicap” in section 802 of the Civil Rights Act of  
5 1968 (42 U.S.C. 3602).

6 (2) FAMILIAL STATUS.—The term “familial sta-  
7 tus” has the same meaning given that term in sec-  
8 tion 802 of the Civil Rights Act of 1968 (42 U.S.C.  
9 3602).

10 (g) RELATIONSHIP TO OTHER LAWS.—Nothing in  
11 this section may be construed to amend, alter, or affect  
12 any provision of criminal law or the Truth in Lending Act  
13 (15 U.S.C. 1601 et seq.).

14 (h) REGULATIONS.—Not later than the expiration of  
15 the 180-day period beginning on the date of the enactment  
16 of this Act, the Secretary of Housing and Urban Develop-  
17 ment shall issue regulations that establish minimum  
18 standards for the training of testers of organizations con-  
19 ducting testing required under subsection (a). Such regu-  
20 lations shall serve as the basis of an evaluation of such  
21 testers, which shall be developed by the Secretary, and  
22 such regulations shall be issued after notice and an oppor-  
23 tunity for public comment in accordance with the proce-  
24 dure under section 553 of title 5, United States Code, ap-

1 plicable to substantive rules (notwithstanding subsections  
2 (a)(2), (b)(B), and (d)(3) of such section).

3 (i) **AUTHORIZATION OF APPROPRIATIONS.**—There  
4 are authorized to be appropriated to carry out the provi-  
5 sions of this section \$15,000,000 for fiscal years 2011  
6 through 2015.

7 **SEC. 3. INCREASE IN FUNDING FOR THE FAIR HOUSING INI-**  
8 **TIATIVES PROGRAM.**

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

12 (1) in subsection (b)—

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

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

19 (2) by striking subsection (g) and inserting the  
20 following:

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

22 “(1) **IN GENERAL.**—There are authorized to be  
23 appropriated to carry out the provisions of this sec-  
24 tion \$42,500,000 for each of fiscal years 2011  
25 through 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  
6 programs 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  
11 standards for the training of testers of organizations fund-  
12 ed with any amounts made available to carry out this sec-  
13 tion for any of fiscal years 2011 through 2015. Such regu-  
14 lations shall serve as the basis of an evaluation of such  
15 testers, which shall be developed by the Secretary, and  
16 shall be issued after notice and an opportunity for public  
17 comment in accordance with the procedure under section  
18 553 of title 5, United States Code, applicable to sub-  
19 stantive rules (notwithstanding subsections (a)(2), (b)(B),  
20 and (d)(3) of such section).

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

22 It is the sense of Congress that the Secretary of  
23 Housing and Urban Development should—

24 (1) fully comply with the requirements of sec-  
25 tion 561(d) of the Housing and Community Develop-

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

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

10          (3) promulgate regulations regarding the fair  
11       housing obligations of each recipient of Federal  
12       housing and community development funds to af-  
13       firmatively further fair housing, as that term is de-  
14       fined under title VIII of the Civil Rights Act of  
15       1968 (42 U.S.C. 3601 et seq.); and

16          (4) fully comply with the requirements of sec-  
17       tion 810(a) of the Fair Housing Act (42 U.S.C.  
18       3610(a)).

19       **SEC. 5. GRANTS TO PRIVATE ENTITIES TO STUDY HOUSING**  
20                               **DISCRIMINATION.**

21       (a) GRANT PROGRAM.—The Secretary of Housing  
22       and Urban Development shall carry out a competitive  
23       matching grant program to assist public and private non-  
24       profit organizations in—

1           (1) conducting comprehensive studies that ex-  
2       amine—

3           (A) the causes of housing discrimination  
4       and segregation;

5           (B) the effects of housing discrimination  
6       and segregation on education, poverty, and eco-  
7       nomic development; or

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

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

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

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

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

24           (3) meet the requirements of a qualified fair  
25      housing enforcement organization, as such term is

1 defined in section 561(h) of the Housing and Com-  
2 munity Development Act of 1987 (42 U.S.C.  
3 3616a(h)), or subcontract with a qualified fair hous-  
4 ing enforcement organization as a primary subcon-  
5 tractor.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out the provi-  
8 sions of this section \$5,000,000 for each of fiscal years  
9 2011 through 2015.

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

11 None of the funds made available under this Act, or  
12 the amendments made by this Act, may be used for any  
13 political activities, political advocacy, or lobbying (as such  
14 terms are defined by Circular A-122 of the Office of Man-  
15 agement and Budget, entitled “Cost Principles for Non-  
16 Profit Organizations”), or for expenses for travel to en-  
17 gage in political activities or preparation of or provision  
18 of advice on tax returns.