

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 149
OFFERED BY MR. GREEN OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Housing Fairness Act
3 of 2020”.

4 SEC. 2. TESTING FOR DISCRIMINATION.

5 (a) ELIGIBLE ACTIVITY UNDER FHIP.—Subsection
6 (a) of section 561 of the Housing and Community Devel-
7 opment Act of 1987 (42 U.S.C. 3616a(a)) is amended—

8 (1) in the matter preceding paragraph (1), by
9 inserting after “discriminatory housing practices”
10 the following: “or, in the case of grants or contracts
11 for activities under paragraph (3) with qualified pri-
12 vate, non-profit fair housing enforcement organiza-
13 tions that have demonstrated expertise in managing
14 and implementing regional or national testing pro-
15 grams to address systemic fair housing issues”;

16 (2) in paragraph (1), by striking “and” at the
17 end;

1 (3) in paragraph (2), by striking the period at
2 the end and inserting “; and”; and

3 (4) by adding at the end the following:

4 “(3) programs of regional or national testing
5 and investigations to (i) detect and document dif-
6 ferences in the treatment of persons seeking to rent
7 or purchase housing or obtain or refinance a home
8 mortgage loan, and measure patterns of differential
9 treatment because of the status of a renter, home
10 buyer, or borrower as a member of the protected
11 classes under the Fair Housing Act (42 U.S.C. 3601
12 et seq.), and (ii) measure the prevalence, nature,
13 and extent of discriminatory practices covered under
14 the Fair Housing Act.

15 The results of any testing and investigations pursuant to
16 paragraph (3) may be used as the basis for the Secretary,
17 or any Federal agency authorized to bring such an en-
18 forcement action, or any State or local government or
19 agency, public or private nonprofit organization or institu-
20 tion, or other aggrieved parties as defined by title VIII
21 of the Civil Rights Act of 1968 or other substantially
22 equivalent State or local fair housing law, or other public
23 or private entity that the Secretary has entered into a con-
24 tract or cooperative agreement with under this section to
25 commence, undertake, or pursue any investigation or en-

1 enforcement action to remedy any discriminatory housing
2 practice (as such term is defined in section 802 of the
3 Fair Housing Act (42 U.S.C. 3602)) uncovered as a result
4 of such testing and investigations. Testing conducted pur-
5 suant to paragraph (3) shall not constitute a violation of
6 any provision of criminal law or the Truth in Lending Act
7 (15 U.S.C. 1601 et seq.)”.

8 (b) REGULATIONS.—Not later than the expiration of
9 the 180-day period beginning on the date of the enactment
10 of this Act, the Secretary of Housing and Urban Develop-
11 ment shall issue regulations that apply the minimum
12 tester training standards required under section 125.107
13 of title 24, Code of Federal Regulations, to organizations
14 conducting testing under section 561(a)(3) of the Housing
15 and Community Development Act of 1987, as added by
16 the amendment made by subsection (a)(4) of this section.
17 Any subsequent amendments, changes, and updates to
18 such minimum standards shall apply to all activities under
19 such section 561.

20 **SEC. 3. FAIR HOUSING INITIATIVES PROGRAM.**

21 (a) AMENDMENTS TO PROGRAM.—Section 561 of the
22 Housing and Community Development Act of 1987 (42
23 U.S.C. 3616a) is amended—

24 (1) in subsection (b)—

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

4 (B) in paragraph (2), by inserting “quali-
5 fied” before “private nonprofit fair housing en-
6 forcement organizations,”;

7 (2) in subsection (c), by adding at the end the
8 following:

9 “(3) PROGRAM-EARNED INCOME.—No restric-
10 tions on the use of program-earned income received
11 by qualified fair housing enforcement organizations
12 shall apply after the grant period for such organiza-
13 tion ends.”.

14 (3) in subsection (d)—

15 (A) in paragraph (1)—

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

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

20 (iii) by adding after subparagraph (D)
21 the following:

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

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

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

4 (D) by adding at the end the following:

5 “(4) LIMITATION.—Notwithstanding any other
6 provision of this section, a State or local agency cer-
7 tified by the Secretary under section 810(f) of the
8 Fair Housing Act may receive assistance under this
9 subsection only to carry out activities eligible for as-
10 sistance under this subsection in areas in which no
11 qualified fair housing enforcement organization is
12 available to carry out such activities.

13 “(5) ELIGIBILITY.—Notwithstanding any other
14 provision of this section, if an award of funding
15 under subsection (b) for multiple fiscal years has
16 been made to a qualified fair housing enforcement
17 organization, such organization is, subject only to
18 the availability of amounts provided in appropriation
19 Acts, eligible to receive funding under this sub-
20 section for each fiscal year covered by such award
21 under subsection (b).”;

22 (4) in subsection (e)—

23 (A) in paragraph (1) by striking “Banking,
24 Finance and Urban Affairs” and inserting “Fi-
25 nancial Services”; and

1 (B) by adding at the end the following:

2 “(2) PRIORITY.—In providing assistance under
3 this section with respect to metropolitan statistical
4 areas for which there are multiple applications for
5 such assistance, the Secretary shall give priority to
6 applications submitted by qualified fair housing en-
7 forcement organizations that have experience in con-
8 ducting fair housing enforcement activities.”;

9 (5) by striking subsection (g) and inserting the
10 following:

11 “(g) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There are authorized to be
13 appropriated to carry out this section—

14 “(A) \$58,000,000 for each of fiscal years
15 2021 through 2025, of which—

16 “(i) \$55,000,000 shall be available for
17 any activities under this section other than
18 programs under subsection (a)(3), of
19 which—

20 “(I) not less than \$38,000,000
21 shall be for private enforcement initia-
22 tives authorized under subsection (b);

23 “(II) not less than \$1,500,000
24 shall be for the fair housing organiza-
25 tions initiative under subsection (c);

1 “(III) not less than \$10,000,000
2 shall be for the education and out-
3 reach initiative under subsection (d),
4 of which—

5 “(aa) at least \$8,000,000
6 shall be for local education and
7 outreach activities; and

8 “(bb) at least \$2,000,000
9 shall be for national media activi-
10 ties; and

11 “(IV) any remaining amounts
12 shall be used for any program activi-
13 ties authorized under this section; and

14 “(ii) \$3,000,000 shall be available
15 only for programs under subsection (a)(3);
16 and

17 “(B) \$70,000,000 for each of fiscal years
18 2026 through 2031, of which—

19 “(i) for each such fiscal year,
20 \$65,000,000 shall be available for any ac-
21 tivities under this section other than pro-
22 grams under subsection (a)(3), of which—

23 “(I) not less than \$44,000,000
24 shall be for private enforcement initia-
25 tives authorized under subsection (b);

1 “(II) not less than \$1,500,000
2 shall be for the fair housing organiza-
3 tions initiative under subsection (c);

4 “(III) not less than \$12,500,000
5 shall be for the education and out-
6 reach initiative under subsection (d),
7 of which—

8 “(aa) at least \$10,000,000
9 shall be for local education and
10 outreach activities; and

11 “(bb) at least \$2,500,000
12 shall be for national media activi-
13 ties; and

14 “(IV) any remaining amounts
15 shall be used for any program activi-
16 ties authorized under this section; and

17 “(ii) for each such fiscal year
18 \$5,000,000 shall be available only for pro-
19 grams under subsection (a)(3).

20 “(2) AVAILABILITY.—Any amount appropriated
21 under this section shall remain available until ex-
22 pended to carry out the provisions of this section.

23 “(3) AWARD OF FUNDING.—Within 90 days
24 after the date of the enactment of any Act making
25 amounts available to carry out this section, the Sec-

1 retary shall issue a Notice of Funding Availability
2 with respect to such amounts and, within 180 days
3 after such date of enactment, the Secretary shall
4 award such amounts.”;

5 (6) in subsection (h)(1), in the matter following
6 subparagraph (C), by inserting “and meets the cri-
7 teria described in subparagraphs (A) and (C)” be-
8 fore the period at the end; and

9 (7) in subsection (j)—

10 (A) in the matter preceding paragraph (1),
11 by inserting “regarding such preceding fiscal
12 year,” after “comprehensive report”; and

13 (B) in paragraph (2), by striking “and the
14 use of such funds during the preceding fiscal
15 year” and inserting “, the use of such funds
16 during the preceding fiscal year, and outcomes
17 such as the number of housing units made
18 available and accessible to protected classes
19 under the Fair Housing Act (42 U.S.C. 3601 et
20 seq.)”.

21 (b) STUDY.—The Secretary of Housing and Urban
22 Development shall conduct a study to determine the feasi-
23 bility, efficiency, and effectiveness of converting the Fair
24 Housing Initiatives Program under section 561 of the
25 Housing and Community Development Act of 1987 (42

1 U.S.C. 3616a) into a noncompetitive, entitlement program
2 to provide general operating funding to qualified fair hous-
3 ing organizations, the appropriate levels of funding for
4 such a program taking into consideration the number of
5 such qualified funding recipients, and what factors should
6 be considered in providing for an equitable distribution to
7 qualified recipients of funding. The Secretary shall submit
8 a report to the Congress setting forth the results of the
9 study under this subsection not later than the expiration
10 of the 12-month period beginning on the date of the enact-
11 ment of this Act, which shall include any recommendations
12 regarding such conversion of the program.

13 **SEC. 4. SENSE OF CONGRESS.**

14 It is the sense of Congress that the Secretary of
15 Housing and Urban Development should—

16 (1) fully comply with the requirements of sec-
17 tion 561(d) of the Housing and Community Develop-
18 ment Act of 1987 (42 U.S.C. 3616a(d)) to establish,
19 design, and maintain a national education and out-
20 reach program to provide a centralized, coordinated
21 effort for the development and dissemination of—

22 (A) materials and information about the
23 fair housing rights of individuals who seek to
24 rent, purchase, sell, or facilitate the sale of a
25 home; and

1 (B) materials and information about the
2 fair housing responsibilities of industry profes-
3 sionals providing products and services covered
4 under the Fair Housing Act 42 U.S.C. 3601 et
5 seq.);

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

9 (3) fully reinstate the regulations promulgated
10 on July 16, 2015 (80 Fed. Reg. 42271), regarding
11 the fair housing obligations of each recipient of Fed-
12 eral housing and community development funds to
13 affirmatively further fair housing, as that term is
14 defined 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 PUBLIC AND PRIVATE ENTITIES TO**
20 **STUDY HOUSING 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 studies that examine issues re-
2 garding housing discrimination and segregation and
3 the Fair Housing Act, including—

4 (A) the causes of housing discrimination
5 and segregation, including their effects on
6 members of protected classes under the Fair
7 Housing Act, and their effects on education,
8 poverty, economic development, health, and
9 other socioeconomic factors;

10 (B) the incidence, causes, and effects of
11 housing discrimination and segregation based
12 on personal characteristics not protected under
13 the Fair Housing Act, including—

14 (i) veteran and military status; and

15 (ii) source of income;

16 (C) the ways in which the use of algo-
17 rithms and artificial intelligence in the housing
18 and mortgage lending markets impact the avail-
19 ability of housing for protected classes under
20 the Fair Housing Act, including the use of dig-
21 ital and online platforms in the advertising and
22 provision of housing and other services covered
23 under the Fair Housing Act; or

1 (D) any additional topics of study related
2 to the implementation and expansion of the
3 Fair Housing Act; or

4 (2) implementing pilot projects that test solu-
5 tions that will help prevent or alleviate housing dis-
6 crimination and segregation.

7 A grant under this section may provide funding to an or-
8 ganization for only activities under paragraph (1) or para-
9 graph (2) or for activities under both paragraph (1) and
10 (2).

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

14 (1) submit an application to the Secretary of
15 Housing and Urban Development, containing—

16 (A) the issues the applicant will address
17 and a justification for the need to address such
18 issues;

19 (B) the applicant's experience in formu-
20 lating or carrying out programs or activities de-
21 scribed in this section; and

22 (C) the geographical area and period of
23 time to be studied;

24 (2) agree to provide matching non-Federal
25 funds for 10 percent of the total amount of the

1 grant, which matching funds may include monetary
2 donations and items donated on an in-kind contribu-
3 tion basis; and

4 (3) meet the requirements of a qualified fair
5 housing enforcement organization, as such term is
6 defined in section 561(h) of the Housing and Com-
7 munity Development Act of 1987 (42 U.S.C.
8 3616a(h)).

9 (c) PARTNERSHIPS WITH ACADEMIC INSTITU-
10 TIONS.—A public or private nonprofit organization apply-
11 ing for a grant under this section may partner with an
12 academic or educational organization or institution for the
13 purpose of carrying out activities assisted with such grant
14 amounts.

15 (d) REPORT.—The Secretary of Housing and Urban
16 Development shall submit a report to the Congress on a
17 biennial basis that provides a detailed summary of the re-
18 sults of the comprehensive studies and pilot projects car-
19 ried out under subsection (a), together with any rec-
20 ommendations or proposals for legislative or administra-
21 tive actions to address any issues raised by such studies.
22 The Secretary may submit the reports required under this
23 subsection as part of the reports prepared in accordance
24 with paragraphs (2) and (6) of section 808(e) of the Fair
25 Housing Act (42 U.S.C. 3608(e)) and section 561(j) of

1 the Housing and Community Development Act of 1987
2 (42 U.S.C. 3616a(j)).

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out the provi-
5 sions of this section \$5,000,000 for each of fiscal years
6 2021 through 2025.

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

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

