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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To restore the fair housing mission of the Department of Housing and Urban Development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. MAXINE WATERS of California introduced the following bill; which was referred to the Committee on _____

A BILL

To restore the fair housing mission of the Department of Housing and Urban Development, 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 “Strengthening Fair
5 Housing Protections Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The current Administration has taken sev-
2 eral steps that seriously undermine fair housing pro-
3 tections for all people in America.

4 (2) On March 10, 2017, the Department of
5 Housing and Urban Development withdrew a Fed-
6 eral Register notice regarding a proposal to require
7 owners and operators of homeless shelters receiving
8 funding from the Department of Housing and
9 Urban Development to post a notice informing indi-
10 viduals of their rights under the Department of
11 Housing and Urban Development's equal access to
12 housing rule.

13 (3) On January 5, 2018, the Department of
14 Housing and Urban Development published a Fed-
15 eral Register notice that indefinitely delayed imple-
16 mentation of the Affirmatively Furthering Fair
17 Housing rule for local governments, which carries
18 out a key mandate under the Fair Housing Act.

19 (4) On March 6, 2018, the media reported that
20 a leaked Department of Housing and Urban Devel-
21 opment internal memo indicated that the Depart-
22 ment's mission statement would be changed to re-
23 move language referring to "inclusive and sustain-
24 able communities free from discrimination."

1 (5) On March 28, 2018, the media reported
2 that the Department of Housing and Urban Devel-
3 opment is attempting to scale back Federal efforts
4 to enforce fair housing laws by freezing enforcement
5 actions against local governments and businesses, in-
6 cluding Facebook.

7 (6) On May 23, 2018, the Department of Hous-
8 ing and Urban Development issued a notice stating
9 that it is withdrawing the “Local Government As-
10 sessment Tool” which assists local governments in
11 meeting their obligations under the Fair Housing
12 Act’s mandate to affirmatively further fair housing.
13 This delays the obligation of local governments to
14 comply with the Affirmatively Furthering Fair
15 Housing rule until at least nine months after a new
16 assessment tool is published.

17 **SEC. 3. MISSION OF THE DEPARTMENT OF HOUSING AND**
18 **URBAN DEVELOPMENT.**

19 Section 2 of the Department of Housing and Urban
20 Development Act (42 U.S.C. 3531) is amended—

21 (1) in the section heading, by inserting “; MIS-
22 SION OF DEPARTMENT” after “PURPOSE”;

23 (2) by inserting “(a) PURPOSE.—” after “SEC.
24 2.”; and

1 development shall restore the availability of the Local Gov-
2 ernment Assessment Tool for use by local governments in
3 conducting assessments of fair housing under the Affirma-
4 tively Furthering Fair Housing regulations.

5 **SEC. 6. REISSUANCE OF NOTICE ON SEXUAL ORIENTATION**
6 **AND GENDER IDENTITY EQUAL ACCESS**
7 **RULE.**

8 Not later than 30 days after the date of the enact-
9 ment of this Act, the Secretary of Housing and Urban
10 Development shall reissue the “Notice on Equal Access
11 Regardless of Sexual Orientation, Gender Identity, or
12 Marital Status for HUD’s Community Planning and De-
13 velopment Programs” as revised by publication in the
14 Federal Register on February 7, 2017. The Secretary
15 shall finalize such notice as soon as practicable.

16 **SEC. 7. REVIEW OF ONLINE COMPLAINTS OF VIOLATIONS**
17 **OF FAIR HOUSING ACT.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the Secretary of Housing and Urban
20 Development shall submit to Congress a report which con-
21 tains—

22 (1) a review of the complaints filed with the
23 Secretary under section 810 of the Fair Housing
24 Act (42 U.S.C. 3610) during the 5 year period pre-
25 ceding the date of the enactment of this Act that al-

1 leged a discriminatory housing practice involving an
2 online platform; and

3 (2) an analysis of trends and risks related to
4 discrimination occurring in connection with the use
5 of online platforms to rent or purchase housing, the
6 sufficiency of the Fair Housing Act to remedy dis-
7 crimination during the rental or purchase of housing
8 through online platforms, and steps the Secretary
9 plans to take to address such discrimination.

10 **SEC. 8. PUBLICLY AVAILABLE DATABASE FOR FAIR HOUS-**
11 **ING COMPLAINTS.**

12 (a) IN GENERAL.—The Secretary of Housing and
13 Urban Development shall develop, and update on an an-
14 nual basis, a database that is publicly available on the
15 website of the Department of Housing and Urban Devel-
16 opment, which includes, subject to applicable confiden-
17 tiality constraints, for the previous year, the following:

18 (1) The total number of complaints alleging vio-
19 lations of the Fair Housing Act that were received
20 by the Department of Housing and Urban Develop-
21 ment, disaggregated with respect to both number
22 and percentage, by each class of persons protected
23 under such Act.

24 (2) The number and percentage of the total
25 number complaints referred to in paragraph (1) that

1 were made by tenants of, and applicants for pro-
2 grams for, covered housing, disaggregated by the
3 program for assistance for the covered housing.

4 (3) For each State, the number and percentage
5 of the total number of complaints referred to in
6 paragraph (1) that were made by residents of such
7 State.

8 (4) The number and percentage of the total
9 number complaints referred to in paragraph (1) that
10 alleged that the complainant was retaliated against
11 after reporting the alleged violation and, of such
12 number, the number and percentage that alleged
13 that the complainant was retaliatorily evicted.

14 (5) The status of the complaints referred to in
15 paragraph (1), including a detailed description of
16 the resolutions and remedies provided and, for com-
17 plaints that were administratively closed, of the rea-
18 sons for such closures.

19 (6) The number and percentage of the total
20 number complaints referred to in paragraph (1) that
21 were handled by State or local agencies assisted
22 under the Fair Housing Assistance Program author-
23 ized under sections 810 and 817 of the Fair Hous-
24 ing Act (42 U.S.C. 3610, 3616).

1 (7) The number and percentage of the total
2 number of complaints regarding discrimination in
3 the sale or rental of housing that were referred to
4 the Department of Justice by the Department of
5 Housing and Urban Development and the number
6 and percentage of such total number of complaints
7 handled by the Department of Justice that were not
8 referred by the Department of Housing and Urban
9 Development.

10 (b) COVERED HOUSING.—For purposes of this Act,
11 the term “covered housing” means—

12 (1) housing assisted under the program for sup-
13 portive housing for the elderly under section 202 of
14 the Housing Act of 1959 (12 U.S.C. 1701q), includ-
15 ing the direct loans program under such section 202
16 as in effect before the enactment of the Cranston-
17 Gonzalez National Affordable Housing Act (Public
18 Law 101–625; November 28, 1990);

19 (2) housing assisted under the program for sup-
20 portive housing for persons with disabilities under
21 section 811 of the Cranston-Gonzalez National Af-
22 fordable Housing Act (42 U.S.C. 8013);

23 (3) housing assisted under the program for
24 housing opportunities for people with AIDS/HIV
25 under subtitle D of title VIII of the Cranston-Gon-

1 zalez National Affordable Housing Act (42 U.S.C.
2 (42 U.S.C. 12901 et seq.);

3 (4) housing assisted under any of the programs
4 under subtitles B through F of title IV of the
5 McKinney-Vento Homeless Assistance Act (42
6 U.S.C. 11371 et seq.);

7 (5) housing assisted under the HOME Invest-
8 ments Partnerships program under subtitle A of title
9 II of the Cranston-Gonzalez National Affordable
10 Housing Act (42 U.S.C. 12741 et seq.);

11 (6) housing assisted under the rent supplement
12 program under section 101 of the Housing and
13 Urban Development Act of 1965 (12 U.S.C. 1701s);

14 (7) housing financed by a loan or mortgage
15 that is insured under section 221(d)(3) of the Na-
16 tional Housing Act (12 U.S.C. 1715l(d)(3)) that
17 bears interest at a rate determined under the proviso
18 of paragraph (5) of such section 221(d);

19 (8) housing insured, assisted, or held by the
20 Secretary or a State or State agency under the mul-
21 tifamily rental assistance program under section 236
22 of the National Housing Act (12 U.S.C. 1715z-1);
23 -Section 236 multifamily rental housing;

1 (9) public housing assisted under title I of the
2 United States Housing Act of 1937 (42 U.S.C. 1437
3 et seq.);

4 (10) a dwelling unit assisted under the Housing
5 Choice Voucher program for rental assistance under
6 section 8(o) of the United States Housing Act of
7 1937 (42 U.S.C. 1437f(o));

8 (11) housing assisted with project-based rental
9 assistance provided under section 8 of the United
10 States Housing Act of 1937 (42 U.S.C. 1437f);

11 (12) housing assisted with funds from the
12 Housing Trust Fund as established under section
13 1338 of the Federal Housing Enterprises Financial
14 Safety and Soundness Act of 1992 (12 U.S.C.
15 4568);

16 (13) housing assisted under any of the rural
17 housing assistance programs under section 514, 515,
18 516, 533, 538, or 542 of the Housing Act of 1949
19 (42 U.S.C. 1484, 1485, 1486, 1490m, 1490p-2,
20 1490r);

21 (14) any housing project for which equity is
22 provided through any low-income housing tax credit
23 pursuant to section 42 of the Internal Revenue Code
24 of 1986 (26 U.S.C. 42);

1 (15) housing assisted under the Comprehensive
2 Service Programs for Homeless Veterans program
3 under subchapter II of chapter 20 of title 38, United
4 States Code (38 U.S.C. 2011 et seq.);

5 (16) housing and facilities assisted under the
6 grant program for homeless veterans with special
7 needs under section 2061 of title 38, United States
8 Code;

9 (17) permanent housing for which assistance is
10 provided under the program for financial assistance
11 for supportive services for very low-income veteran
12 families in permanent housing under section 2044 of
13 title 38, United States Code; and

14 (18) housing assisted under such other Federal
15 housing programs, and federally subsidized dwelling
16 units providing affordable housing to low-income
17 persons by means of restricted rents or rental assist-
18 ance, as may be identified for purposes of this sec-
19 tion by the appropriate agency;