

October 16, 2019

Re: Proposed Disparate Impact Rule

Dear Secretary Carson:

New York Lawyers for the Public Interest (NYLPI) strongly opposes HUD's proposed rule to discontinue the disparate impact protections, which have been constant and effective tools for preventing housing discrimination.

Although the federal Fair Housing Act was passed more than 50 years ago, countless people continue to face discrimination when it comes to their housing needs. Having the disparate impact tool remain is a requisite to preserve the civil rights of vulnerable communities and eradicate discrimination that continues to be present. This tool has been efficient in addressing discriminatory practices in areas of apartment rentals, property insurance and home lending, and it allows housing to be accessible to all individuals.

The recommended rule would serve as a destructive onslaught toward vulnerable communities, as well as laws to counteract discrimination. Housing is a human right and it would be a monumental obstruction to go forward with attacking this very important protection. It is imperative that the Trump administration withdraw this proposed rule immediately, in order to protect fair housing, as well as to sanction fair housing and fair lending laws, in order to make housing equitable to all.

If this proposed rule stands, people with disabilities will be disproportionately affected. For example, a landlord could attempt to exclude applicants who don't hold full-time jobs. This action would disparately impact people with disabilities (or seniors) who disproportionately fall into the category of those who may not work full-time, but can still afford an apartment.

For more than 40 years, NYLPI has been guided by the priorities of our communities as we strive to achieve equality of opportunity and autonomy for people with disabilities, as well as create equal access to health care, ensure immigrant opportunity, invigorate local non-profits, and defend environmental justice for low-income communities of color. Our Disability Justice Program has represented thousands of individuals and triumphed in numerous campaigns improving the lives of New Yorkers with disabilities. We have long fought disability-based discrimination in housing to ensure that countless private landlords accommodate their tenants with disabilities.

Thank you for your consideration.

Sincerely,

Suhali Mendez
Disability Justice Program Advocate