

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing Fairness Act  
5 of 2009”.

1 **SEC. 2. TESTING FOR DISCRIMINATION.**

2 (a) IN GENERAL.—The Secretary of Housing and  
3 Urban Development shall conduct a nationwide program  
4 of testing to—

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

12 (2) measure the prevalence of such discrimina-  
13 tory practices across the housing and mortgage lend-  
14 ing markets as a whole.

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

22 (c) REPORT.—The Secretary of Housing and Urban  
23 Development shall report to Congress—

24 (1) on a biennial basis, the results of each  
25 round of testing required under subsection (a) along  
26 with any recommendations or proposals for legisla-

1       tive or administrative action to address any issues  
2       raised by such testing; and

3               (2) on an annual basis, a detailed summary of  
4       the calls received by the Fair Housing Administra-  
5       tion’s 24-hour toll-free telephone hotline.

6       (d) USE OF RESULTS.—The results of any testing re-  
7       quired under subsection (a) may be used as the basis for  
8       the Secretary, or any State or local government or agency,  
9       public or private nonprofit organization or institution, or  
10      other public or private entity that the Secretary has en-  
11      tered into a contract or cooperative agreement with under  
12      section 561 of the Housing and Community Development  
13      Act of 1987 (42 U.S.C. 3616a) to commence, undertake,  
14      or pursue any investigation or enforcement action to rem-  
15      edy any discrimination uncovered as a result of such test-  
16      ing.

17      (e) DEFINITIONS.—As used in this section:

18               (1) DISABILITY STATUS.—The term “disability  
19      status” has the same meaning given the term  
20      “handicap” in section 802 of the Civil Rights Act of  
21      1968 (42 U.S.C. 3602).

22               (2) FAMILIAL STATUS.—The term “familial sta-  
23      tus” has the same meaning given that term in sec-  
24      tion 802 of the Civil Rights Act of 1968 (42 U.S.C.  
25      3602).

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out the provi-  
3 sions of this section \$20,000,000 for fiscal year 2010 and  
4 each fiscal year thereafter.

5 **SEC. 3. INCREASE IN FUNDING FOR THE FAIR HOUSING INI-**  
6 **TIATIVES PROGRAM.**

7 Section 561 of the Housing and Community Develop-  
8 ment Act of 1987 (42 U.S.C. 3616a) is amended—

9 (1) in subsection (b)—

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

13 (B) in paragraph (2), by inserting “quali-  
14 fied” before “private nonprofit fair housing en-  
15 forcement organizations,”;

16 (2) by striking subsection (g) and inserting the  
17 following:

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—There are authorized to be  
20 appropriated to carry out the provisions of this sec-  
21 tion \$52,000,000 for each of fiscal years 2010  
22 through 2014, of which—

23 “(A) not less than 75 percent of such  
24 amounts shall be for private enforcement initia-  
25 tives authorized under subsection (b);

1           “(B) not more than 10 percent of such  
2 amounts shall be for education and outreach  
3 programs under subsection (d); and

4           “(C) any remaining amounts shall be used  
5 for program activities authorized under this sec-  
6 tion.

7           “(2) AVAILABILITY.—Any amount appropriated  
8 under this section shall remain available until ex-  
9 pended.”;

10           (3) in subsection (h), in the matter following  
11 subparagraph (C), by inserting “and meets the cri-  
12 teria described in subparagraphs (A) and (C)” after  
13 “subparagraph (B)”; and

14           (4) 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 new subparagraph:

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”; and

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

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

5           It is the sense of Congress that the Secretary of  
6 Housing and Urban Development should—

7           (1) fully comply with the requirements of sec-  
8           tion 561(d) of the Housing and Community Develop-  
9           ment Act of 1987 (42 U.S.C. 3616a(d)) to establish,  
10          design, and maintain a national education and out-  
11          reach program to provide a centralized, coordinated  
12          effort for the development and dissemination of the  
13          fair housing rights of individuals who seek to rent,  
14          purchase, sell, or facilitate the sale of a home;

15          (2) utilize all amounts appropriated for such  
16          education and outreach program under section  
17          561(g) of such Act; and

18          (3) promulgate regulations regarding the fair  
19          housing obligations of each recipient of Federal  
20          housing funds to affirmatively further fair housing,  
21          as that term is defined under title VIII of the Civil  
22          Rights Act of 1968 (42 U.S.C. 3601 et seq.).

1 **SEC. 5. GRANTS TO PRIVATE ENTITIES TO STUDY HOUSING**  
2 **DISCRIMINATION.**

3 (a) GRANT PROGRAM.—The Secretary of Housing  
4 and Urban Development shall carry out a competitive  
5 matching grant program to assist private nonprofit orga-  
6 nizations in—

7 (1) conducting comprehensive studies that ex-  
8 amine—

9 (A) the causes of housing discrimination  
10 and segregation; and

11 (B) the effects of housing discrimination  
12 and segregation on education, poverty, and eco-  
13 nomic development; and

14 (2) implementing pilot projects that test solu-  
15 tions that will help prevent or alleviate housing dis-  
16 crimination and segregation.

17 (b) ELIGIBILITY.—To be eligible to receive a grant  
18 under this section, a private nonprofit organization shall—

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

22 (2) agree to provide matching non-Federal  
23 funds for 25 percent of the total amount of the  
24 grant, which matching funds may include items do-  
25 nated on an in-kind contribution basis.

1           (c) PREFERENCE.—In awarding any grant under this  
2 section, the Secretary of Housing and Urban Development  
3 shall give preference to any applicant who is—

4           (1) a qualified fair housing enforcement organi-  
5 zation, as such organization is defined under sub-  
6 section (h) of section 561 of the Housing and Com-  
7 munity Development Act of 1987 (42 U.S.C.  
8 3616a(h)); or

9           (2) a partner of any such organization.

10          (d) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to carry out the provi-  
12 sions of this section \$5,000,000 for each of fiscal years  
13 2010 through 2014.

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