

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN INSURANCE ASSOCIATION,)
et al.,)
Plaintiffs,)
v.)
UNITED STATES DEPARTMENT OF)
HOUSING AND URBAN DEVELOPMENT,)
et al.,)
Defendants.)

No. 1:13-cv-00966 (RJL)

NOTICE

Defendants hereby inform the Court that today, May 10, 2018, the U.S. Department of Housing and Urban Development (“HUD”) issued a press release, announcing that HUD intends to solicit public comment on whether its 2013 Discriminatory Effects Rule is consistent with the Supreme Court’s decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Projects, Inc.*, 135 S. Ct. 2507 (2015).¹

Date: May 10, 2018

Respectfully submitted,

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¹ See https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_035. Attachment A.

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Attachment A



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HUD No. 18-035
HUD Public Affairs
(202) 708-0685

FOR RELEASE
Thursday
May 10, 2018

HUD TO SEEK PUBLIC COMMENT ON 'DISPARATE IMPACT' REGULATION

WASHINGTON - The U.S. Department of Housing and Urban Development (HUD) today announced that it will formally seek the public's comment on whether its 2013 Disparate Impact Regulation is consistent with the 2015 U.S. Supreme Court ruling in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*

"HUD remains committed to making sure housing-related policies and practices treat people fairly," said HUD Secretary Ben Carson. "We will always challenge any practice that discriminates against people the law protects."

The Department's Disparate Impact Regulation provides a framework for establishing legal liability for facially neutral practices that have discriminatory effects on classes of persons protected under the Fair Housing Act.


The Supreme Court upheld the use of a 'disparate impact' theory to establish liability under the Fair Housing Act in cases where seemingly neutral practices have a discriminatory effect on protected classes of persons. While the Supreme Court referred to HUD's Disparate Impact Regulation in its *Inclusive Communities* ruling, it did not directly rule upon it.

Shortly, HUD will formally seek the public's comment on whether its Disparate Impact Regulation is consistent with the Supreme Court's *Inclusive Communities* ruling.





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*HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all.
More information about HUD and its programs is available on the Internet
at www.hud.gov and <https://espanol.hud.gov>.*

You can also connect with HUD on social media and follow Secretary Carson on Twitter and Facebook or sign up for news alerts on HUD's Email List.



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