

Resolution No.   4  

Date: 6/6/2015

City: Washington, DC

NAHB Resolution

Title: Fair Housing Act Discrimination  
Sponsor: Disparate Impact Task Force  
Submitted by: Granger MacDonald

WHEREAS, the National Association of Home Builders (NAHB) supports the goals of the Fair Housing Act, as amended, to protect individuals' ability to own or rent property free from discrimination and ensure that those individuals have equal access to housing, regardless of race, color, national origin, religion, sex, disability, and familial status;

WHEREAS, The Fair Housing Act clearly prohibits intentional discrimination;

WHEREAS, the Fair Housing Act does not specifically address whether unintentional discrimination based on the impacts of one's actions is prohibited;

WHEREAS, many areas nationwide have substandard housing and are in dire need of new, affordable and safe housing, as well as general revitalization;

WHEREAS, the type and location of housing constructed by NAHB members is influenced by both market forces and local zoning, as well as other local, state and federal laws, rules, regulations and programmatic requirements, including, but not limited to the Low-Income Housing Tax Credit Program, FHA Mortgage Insurance, HOME Investment Partnerships Program, and the Community Development Block Grant Program;

WHEREAS, courts have found Fair Housing Act liability based on disparate impacts, notwithstanding legitimate business processes;

WHEREAS, numerous statutory and regulatory federal policies create different and conflicting program requirements on the development and production of housing, there exists a tension between revitalizing and upgrading distressed minority or low income areas and unintentionally acting in a manner that might be later interpreted as being a violation of the Fair Housing Act; and

WHEREAS, NAHB supports educating its members concerning compliance with all of the requirements of the Fair Housing Act,

NOW, THEREFORE, BE IT RESOLVED that the National Association of Home Builders (NAHB) support legislation and regulation that allows all individuals the opportunity to pursue their American Dream and seek the housing of their choice while allowing its' members to develop and build safe and affordable housing in all areas where it is needed.

BE IT FURTHER RESOLVED that NAHB urge Congress to pass legislation that reduces barriers to, and supports the development of, much needed affordable housing and to provide clear exemptions from liability under the Fair Housing Act, where such liability may arise from good faith unintentional acts in pursuit of compliance with the requirements of local, state and federal housing programs.

BE IT FURTHER RESOLVED that NAHB work with the Department of Housing and Urban Development and the Department of the Treasury to help them clarify rules for preventing any form of discrimination in accordance with the Fair Housing Act.

Board of Directors Action:

Executive Board Action:

Resolutions Committee Action:

Housing Finance Committee Action:

Legal Action Committee Action:

Federal Government Affairs Committee Action:

Multifamily Council Board of Trustees Action:

Approved

Recommends Approval

Recommends Approval

Recommends Approval

Recommends Approval

Recommends Approval

Recommends Approval