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## Florida Members of Congress Lead Affordable Housing Letters

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U.S. Representatives Val Demings (FL-10) and Al Lawson (FL-05) have led two new letters on affordable housing in Florida. The first opposes a new HUD rule to shift additional burdens onto homeowners and renters. The second calls on the Florida Legislature to use the state's affordable housing funding as intended, not raid it for other budget purposes.

"Housing is a basic human need and a basic human right," Rep. Val Demings said. "It is inappropriate and shortsighted to raid hundreds of millions of dollars from Florida's affordable housing fund at a time when families across our state are losing their homes. Also, I am deeply concerned that HUD's recent proposed changes to the 'disparate impact' rule will shift difficult burdens onto families struggling with the loss of their housing. A family which has just lost their home doesn't have the bandwidth to wage a complicated legal battle. Floridians and all Americans must have fair access to affordable and safe housing."

"By placing additional standards for proving disparate impact, homeowners and renters will continue to be subjected to prolonged housing discrimination," Rep. Lawson said. "This new framework will make it significantly harder for plaintiffs to meet all the requirements, potentially threatening years of progress towards equal access to housing and credit for people of color, women, families with children, and people with disabilities."

The [first letter](#) was sent to Department of Housing and Urban Development Secretary Ben Carson opposing HUD's proposed rule, "Implementation of the Fair Housing Act's Disparate Impact Standard." This rule seeks to amend HUD's 2013 "Disparate Impact Rule," which establishes legal liability for unintended discriminatory effects on persons protected under the Fair Housing Act.

The two members are deeply concerned that the proposed rule would significantly increase the burden on homeowners and renters when they are already struggling to find housing and seeking approval for a mortgage. HUD's 2019 proposed changes to the disparate impact standard would:

1. Create a new burden-shifting framework that requires plaintiffs who initiate a disparate impact claim to identify a specific policy or practice that caused the discriminatory impact; and
2. Require plaintiffs to meet a difficult five factor standard to establish a prima facie disparate impact claim at the beginning stages of litigation.

In addition, Reps. Lawson and Demings led a [second letter](#) to the leaders of the Florida Legislature, urging an end to misuse of the Florida's William E. Sadowski Affordable Housing Trust Fund. The fund, created in 1992, was intended to subsidize affordable housing programs in all 67 Florida counties, but more than \$2 billion has been diverted from the fund over the past decade.

Article last accessed on November 13, 2019 [here](#).