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**Civil Rights Groups File Supreme Court Brief Defending  
Access to Justice in Housing Discrimination Cases**

**WASHINGTON, D.C.** – A coalition of national civil rights organizations filed a major brief Friday in the U.S. Supreme Court in two consolidated cases that threaten to upend longstanding precedent on the scope of standing under the Fair Housing Act. In *Bank of America Corp. v. City of Miami* and *Wells Fargo & Co. v. City of Miami*, the City of Miami alleged that racially discriminatory mortgage lending practices by the banks led to concentrated foreclosures in communities of color, which reduced the city’s property tax base and increased the costs of providing essential services. The banks have argued that the City of Miami’s alleged injury is not one that Congress intended to protect against when it enacted the Fair Housing Act and that the city cannot show that the banks’ practices were the proximate cause of the city’s injuries. The Lawyers’ Committee for Civil Rights Under Law, the National Fair Housing Alliance, the American Civil Liberties Union, the National Consumer Law Center, the Leadership Conference on Civil and Human Rights, and the Impact Fund joined the brief, which was filed together with co-counsel from the law firm Cohen Milstein Sellers & Toll PLLC.

The brief filed by the civil rights organizations marshals several important arguments that standing under the Fair Housing Act is broad and that municipalities may sue to redress injuries they have suffered. The brief highlights Supreme Court precedent that cities have standing to enforce the Fair Housing Act. Lending discrimination played a significant role in creating and perpetuating residential racial segregation. Congress intended, among other things, to remedy the effects of lending discrimination on cities when it enacted the Fair Housing Act. There is an obvious connection between the discriminatory lending that led Congress to pass the Fair Housing Act and the discriminatory subprime lending that caused the 2008 financial crisis, particularly in the ways subprime lending results in significant harm to neighborhoods and perpetuates residential racial segregation.

“Across the country, communities continue to wrestle with the impact and fall-out of the foreclosure crisis. Cities are on the front lines with advocates in helping to overcome the impact of the foreclosure crisis and are working to hold banks accountable for their role,” said Kristen Clarke, President and Executive Director of the Lawyers’ Committee for Civil Rights Under Law. “We urge the Supreme Court

to sustain the ability of cities to use the Fair Housing Act as a tool to combat the pernicious discriminatory practices that have long contributed to disinvestment in African American, Latino and minority communities.”

A decision upholding the City of Miami’s standing to bring suit under the Fair Housing Act to challenge mortgage lending discrimination would be consistent with more than four decades of Supreme Court precedent. In 1972, just four years after the passage of the Fair Housing Act, the Court held in *Trafficante v. Metropolitan Life Insurance Co.* that those indirectly harmed by housing discrimination nonetheless had standing to sue under the Fair Housing Act. In 1979, in *Gladstone, Realtors v. Village of Bellwood*, the Supreme Court reiterated that holding, this time in a case where a local government challenged the racially discriminatory practices of real estate agents. The parallels between *Village of Bellwood* and the City of Miami’s cases are clear.

“Banks violated the Fair Housing Act by engaging in discriminatory mortgage lending practices that resulted in a disproportionate and excessive number of defaults by minority homebuyers and caused significant and continuing financial harm to many cities,” said Shanna Smith, President and CEO of the National Fair Housing Alliance. “It is critical that the Supreme Court preserve cities’ ability to challenge these discriminatory practices and hold financial institutions accountable.”

The case will be argued before the Supreme Court on November 8, 2016, and a decision is expected by the end of the Court’s term in June of 2017.

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### [The National Fair Housing Alliance](#)

Founded in 1988, the National Fair Housing Alliance is a consortium of more than 220 private, nonprofit fair housing organizations, state and local civil rights agencies, and individuals from throughout the United States. Headquartered in Washington, D.C., the National Fair Housing Alliance, through comprehensive education, advocacy, and enforcement programs, provides equal access to apartments, houses, mortgage loans, and insurance policies for all residents in the nation.