

January 14, 2022

To: Marie-Joseph Ayissi, Secretary, Committee on the Elimination of Racial Discrimination (CERD)

From: Poverty & Race Research Action Council (U.S.)  
National Fair Housing Alliance (U.S.)

Re: List of suggested themes relating to housing policy for upcoming U.S. review

Set out below are important current issues and challenges facing the United States in its implementation of the Convention on the Elimination of All Forms of Racial Discrimination in the area of housing and land use. We hope that the CERD Committee will hold the U.S. accountable for making progress on these issues.

- What redress will the United States conduct to reverse the harms of its history of government-sponsored segregation and financial exclusion?
- Restoration of laws relating to CERD that were recently suspended
  - What is the current U.S. administration doing to fully restore the federal Fair Housing Act's requirement that state and local governments "affirmatively further fair housing"?
  - What is the U.S. doing to ensure that the Department of Housing and Urban Development (HUD) will restore and implement its "disparate impact" rule (which bars policies and practices that lead to discrimination or segregation)?
- Administration of federal housing programs
  - Voucher program
    - What is the U.S. doing to reform housing voucher practices that perpetuate segregation? How will the U.S. provide meaningful opportunities for families with housing vouchers to access low poverty neighborhoods?
  - Public Housing and other affordable housing development
    - How is the federal government working to ensure that public housing and other project-based housing (like the Low Income Housing Tax Credit) is not concentrated in racially segregated neighborhoods?
  - Investment in disinvested, segregated neighborhoods
    - What is the United States doing to ensure that segregated neighborhoods that have been disinvested and lack necessary resources and amenities receive the investments they need, without causing displacement of current residents?
  - Staffing and funding for fair housing
    - What resources will the U.S. commit to investigate claims of housing discrimination and enforce fair housing laws?
- COVID-19: People of color, especially women of color, are disproportionately facing the health and economic harms of the COVID-19 pandemic because of federal, state, and local policies that have failed to address the longstanding impacts of government-sponsored segregation. What is the United States doing to reverse this dynamic and ensure that federal COVID-19 relief programs intended to help the U.S. population are distributed in an equitable and nondiscriminatory manner?

- Link between school segregation and residential segregation
  - There is a strong link between segregated living patterns and segregated public schools. What can the United States do to address this intersectional issue and promote meaningful integration in housing and schools?
- Exclusionary zoning
  - Zoning practices have long been used to perpetuate segregation, in part by limiting the types of housing that can be built by right in high opportunity areas. What steps is the United States taking to ensure that states and localities reform zoning practices that entrench residential segregation and impede the development of affordable housing in well-resourced communities?
- Discrimination in housing finance and the private real estate market
  - How will the United States combat discrimination in home mortgage lending?
  - What steps is the United States taking to address predatory lending practices?
  - What is the United States doing address discrimination by private actors in the real estate market such as real estate agents and home appraisers?
- Intersectional Issues
  - Source of Income Discrimination
    - What action is the United States doing to end discrimination against individuals with nontraditional sources of income, such as Housing Choice Vouchers and other forms of public assistance?
  - LGBT Status and Race
    - What progress has been made to analyze the intersection of sexual orientation/gender identity and race in housing discrimination?
  - Sexual Harassment against Women
    - What progress has been made in enforcing the U.S. 2016 harassment rule regarding quid pro quo and hostile environment harassment?
  - The United States has failed to implement its Supreme Court's decision in *Olmstead v. L.C.* which required that people with disabilities are housed in the most integrated settings possible. Given the growing population of people of color and the disproportionate health impacts of COVID-19, it is likely that they will experience long-term health consequences and similarly need access to housing in the most integrated settings possible. What is the United States doing to prepare for a greater need for integrated housing options for its growing population of people with disabilities?
  - People of color experience significant discrimination and segregation in senior living communities. What is the United States doing to ensure that elder people of color have access to senior living communities in an equitable and nondiscriminatory manner?
- Housing instability and homelessness
  - How is the United States working to reduce longstanding inequalities in housing stability, which have been exacerbated by the ongoing pandemic?
  - What action is the United States taking to address homelessness, which disproportionately affects people of color?
  - Evictions during the COVID-19 pandemic are falling heavily on older people and people of color. How is the US addressing the disproportionate racial and elder impacts of the eviction crisis?

- Intersection of criminal record history and housing
  - How is the United States reducing the disparate impact of housing policies that create barriers for individuals with criminal records?
  - Similarly, what steps is the United States taking to address public record inconsistencies and errors which impact housing and housing-related decision-making?
- Housing and Climate vulnerability
  - What steps is the United States taking to ensure that communities most vulnerable to the impacts of climate change, many of which are communities of color, are receiving the resources they need to increase their resilience and reduce their vulnerability to the harms caused by a warming planet?
- Housing and Environmental justice
  - It is well-documented that communities of color in the United States bear a disproportionate burden of exposure to environmental hazards and their attendant health risks, which are directly related to their place of residents. What is the United States doing to reduce these disparities and address the health needs these residents experience because of where they live?
- Access to legal services
  - What action is the Federal government doing to expand access to civil legal services in eviction and other housing cases?
  - What action is the Federal government doing to expand access to fair housing services for people who experience discrimination?
- Bias in the Use of Artificial Intelligence and Machine Learning: There have been reports around the world that the use of artificial intelligence and machine learning often creates biased results that disadvantage or harm people of color. What is the United States doing to require the removal of bias against people of color in systems and services that use artificial intelligence and machine learning?
- Racial wealth gap: The United States' history of government-sponsored racial segregation and economic exclusion disadvantaged people of color in every aspect of their lives. What redress is the U.S. implementing, and what actions is the U.S. taking to close the widening racial wealth gap?

For further information, feel free to contact:

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