



October 18, 2019

A Shared Initiative
AIA New Orleans
Alembic Community Development Alliance for Affordable Energy
Bike Easy
Blueprint Investment Fund
Capital One Bank
Celestin Development Corporation
Center for Planning Excellence (CPEX)
Delaney & Delaney, LLP
Desire Community Housing Corp
Downtown Development District
Enterprise Community Partners
Family Resources of New Orleans
Greater New Orleans Fair Housing Action Center
Hancock Whitney Bank
Home By Hand
Iris Development Company
Jane Place Neighborhood Sustainability Initiative
Jefferson Community Action Programs (JeffCAP)
Jericho Road Episcopal Housing Initiative
Louisiana Appleseed
Louvis Services
Lower 9th Ward Homeowners Association
Lowernine.org
Metairie Bank
Neighborhood Development Foundation
New Orleans Redevelopment Authority
NewCorp, Inc.
PCA Development, LLC
Perez, A Professional Corporation
PosiGen
Preservation Resource Center
Providence Community Housing
Renaissance Neighborhood Development Corporation
REO, LLC
SBP, Inc.
The Albert & Tina Small Center for Collaborative Design
The Finance Authority of New Orleans (FANO)
The Power Coalition for Equity and Justice
The Urban Conservancy
Tulane/Canal Neighborhood Development Corporation (T/CNDC)
Ulrich Consulting
University of New Orleans Department of Planning and Urban Studies (UNO-PLUS)
Urban Focus
Webre Consulting, LLC
Wells Fargo Advisors
Youth Rebuilding New Orleans

Department of Housing and Urban Development (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)
451 7th Street, SW
Washington, DC 20410

Subject: Submission of Comments
Docket No. FR-6111-P-02

HUD's Implementation of the Fair Housing Act's Disparate Impact Standard

The Greater New Orleans Housing Alliance (GNOHA) is a collaborative of non-profit housing builders and community development corporations working to rebuild the housing stock available in the city of New Orleans after Hurricane Katrina devastated the city's infrastructure. Since its creation in 2007, GNOHA has sought to create change in the Greater New Orleans community through public policy advocacy and public education. The collaborative advocates for the preservation and production of affordable housing for people within the Greater New Orleans metropolitan region and places a special emphasis on the needs of the most vulnerable in society - seniors, people with disabilities, veterans, low-wage workers and low-income families.

GNOHA expresses its strong opposition to the Department of Housing and Urban Development's (HUD) proposal to rewrite the Disparate Impact Rule. The protections afforded by the disparate impact legal theory is not abstract to our members or partners. Because of this civil rights tool, thousands of households found relief from discriminatory recovery policies that compounded the damage of Hurricanes Katrina and Rita. In particular, this legal principle was at the heart of a case that secured \$62 million in relief for families across South Louisiana harmed by the Road Home's discriminatory funding formula. Though the policy of offering grants based on pre-storm value of a home, rather than the cost to rebuild, seemed neutral, it resulted in homeowners in segregated white neighborhoods receiving higher grant awards than homeowners in predominantly African American neighborhoods. This was true even when the homes were the same size and age, and the damage was similar.

GNOHA was awarded a contract with Louisiana's Office of Community Development to provide Road Home Liaison Services for Southeast Louisiana, with special focus on Orleans, Jefferson, St. Bernard, and Plaquemines Parishes. We worked through 4,676 cases over the course of a two year contract and closed 96% of them. We are grateful that families were able to get some compensation after not receiving enough funding to rebuild. A disparate impact case also ensured St. Bernard Parish stayed open to all after local elected officials passed an ordinance prohibiting the rental of single-family residences, unless to a blood relative.

We are specifically concerned about how HUD's proposed rule significantly raises the burden of proof for discrimination, provides special protections for businesses that use algorithms. Many believe algorithmic techniques like data mining eliminate human biases from the decision-making process, but algorithms are only as good as the data they collect. Data is frequently imperfect in ways that allow these algorithms to inherit the prejudices of prior decision makers, and in some cases it may simply reflect a widespread biases that already exists in society. Data mining can discover surprisingly useful regularities that are really just preexisting patterns of exclusion and inequality. We urge HUD to withdraw this rule and maintain the longstanding interpretation of disparate impact enshrined in the 2013 HUD rule.

Thank you for your consideration, and please feel free to contact me at 504.224.8301 or amorris@gnoha.org with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Andreanecia M. Morris". The signature is fluid and cursive, with a large initial 'A'.

Andreanecia M. Morris,
President/Chairwoman

