

Housing Discrimination Highlights

This 2026 update provides revised material for most chapters, including:

- Coverage of developments concerning the Fair Housing Act's discriminatory-effect theory of liability, including the Second Circuit's important new decision in the *CoreLogic* case that rejected a disparate-impact challenge to a tenant-screening service's data-based negative recommendations. **See §§ 10:4–10:7.**
- Coverage of the Trump administration's various efforts to change fair housing law and enforcement, including HUD's proposed rules eliminating its disparate-impact regulation and changing its "affirmatively furthering fair housing" regulations, the Justice Department's changes to its regulations on Title VI of the 1964 Civil Rights Act limiting liability to intentional discrimination, and the Consumer Financial Protection Bureau's amendments to its ECOA regulations rejecting the disparate-impact theory of liability. **See §§ 10:4, 21:5, 29:2, and 29:4.**
- Updated references for U.S. government fair-housing websites that have changed or been deleted in the past year.
- **Chapter 11C** dealing with sex discrimination, including coverage of important new sex-harassment cases.
- **Chapter 11D** on disability discrimination (the largest category of Fair Housing Act complaints), particularly cases dealing with group homes, reasonable accommodations, and FHA-mandated accessibility features in multifamily housing.
- **Chapter 12A** covering who may sue in fair housing cases, including the latest decisions dealing with *Havens*-based standing of fair housing organizations as limited by the Supreme Court's decision in *FDA v. Alliance for Hippocratic Medicine*.
- **Chapter 12B** dealing with who may be liable for FHA violations, including principals who are responsible for their agents' discrimination, municipalities accused of exclusionary zoning, and AI and data-based

services used by housing providers to screen tenants and other homeseekers.

- **Chapter 20** covering § 3617-based claims for retaliation and interference with fair housing rights, one of the fastest growing areas of FHA litigation.
- **Chapter 31** dealing with pleading, discovery, statutes of limitations, claim preclusion, and other procedural aspects of fair housing litigation.