



Civil Rights Department

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February 13, 2026
For Immediate Release
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Civil Rights Department Opposes Federal Attack on Key Fair Housing Protection

Proposal would undermine federal tool to combat hidden forms of discrimination

SACRAMENTO – The California Civil Rights Department (CRD) today announced submitting a comment letter opposing the U.S. Department of Housing and Urban Development's (HUD) proposal to repeal federal disparate impact regulations aimed at combatting hidden forms of discrimination. While California maintains strong protections at the state level, the loss of federal regulation and enforcement threatens to drastically undermine civil rights in housing.

"Civil rights can be violated even when no one openly reveals a bias based on race, gender, religion, disability, or another protected category," **said CRD Director Kevin Kish**. "Literacy tests, poll taxes, and blanket rejections of renters using Section 8 are all examples. The federal government's proposed repeal removes a critical, longstanding tool to fight these kinds of discriminatory policies. Americans deserve better."

Hidden Discrimination

Disparate impact liability has been a core part of fair housing law for more than half a century. As an enforcement tool, it is a legally recognized way to identify and address discrimination that might be concealed, systemic, or thoughtless, whether in zoning and land use, the mortgage process, appraisals, or tenant screening practices. Disparate impact liability allows fair housing enforcers to look at the actual result of policies or practices and not just their stated goals. For instance, an apartment management company with an English-only policy for tenants might not intend to prevent people from renting based on their national origin, but that would likely be an outcome of such a policy — and, without a legitimate justification, such a policy would violate both federal and state fair housing law.

State Raises the Alarm

By attempting to undo existing regulations that provide guidance for how to interpret disparate impact under the federal Fair Housing Act, HUD's proposal is likely to have severe consequences for fair housing law across the country. In the comment letter, CRD warns:

- Repealing the federal disparate impact standard will create inconsistency and uncertainty in housing enforcement nationwide.
- The erasure of existing regulations will increase the burden on state housing enforcement entities and limit access to fair housing resources available to Californians.
- HUD has failed to justify changing the current standard, which is consistent with rulings by the U.S. Supreme Court.
- The need for disparate impact liability will only increase with the rise of the use of artificial intelligence in housing decisions.

If you or someone you know has experienced housing discrimination, CRD may be able to assist you through its [complaint process](#). The department also [provides general information and factsheets online](#) about civil rights protections, including with respect to [fair housing](#).

The comment letter was prepared with the support of Senior Legal Analyst Shanna Niroumand-Zadeh, Staff Counsel Melissa Tribble, and Assistant Chief Counsel James Zahradka.

You can learn more by [reading CRD's comment letter](#).

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The California Civil Rights Department (CRD) is the state agency charged with enforcing California's civil rights laws. CRD's mission is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, and state-funded programs and activities, and from hate violence and human trafficking. For more information, visit calcivilrights.ca.gov.

