



July 11, 2017

OPPOSE H.R. 2133, THE “CLEAR ACT OF 2017”

Dear Member of the House Committee on Financial Services:

On behalf of The Leadership Conference on Civil and Human Rights and the undersigned organizations, we write to express our strong opposition to H.R. 2133, the “Community Lending Enhancement and Regulatory Relief (CLEAR) Act of 2017.” H.R. 2133 includes a number of provisions that would, under the innocent-sounding guise of “regulatory relief,” drastically undermine our nation’s most important civil rights and consumer protection laws. We urge you to speak out against this proposal in Wednesday’s hearing.

We are especially troubled that H.R. 2133 would rewrite the Fair Housing Act of 1968 and the Equal Credit Opportunity Act to make it significantly harder for victims of discrimination to obtain relief. It would explicitly require plaintiffs to prove that defendants acted “intentionally,” eliminating almost 50 years of congressional intent and federal courts’ approval – most recently by the Supreme Court in *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.* (2015) – of the “disparate impact” standard.

When the Fair Housing Act was enacted a week after the assassination of Dr. Martin Luther King, Jr., Congress recognized that it was critical to prohibit all forms of discrimination – not only acts resulting from discriminatory intent, but also those resulting from policies and practices that appear neutral on their face but that have an unjustified discriminatory effect. Disparate impact litigation under this and other civil rights laws has allowed victims of discrimination to challenge obstacles that limit the availability of fair housing and credit for people based on characteristics such as race, color, national origin, religion, disability status, familial status, and gender. Such obstacles have included “one-child-per-bedroom” policies that force families with two or more children to pay higher rents for multibedroom apartments; “zero-tolerance” provisions in leases that allow the eviction of not just perpetrators, but also victims of offenses such as domestic violence; and mortgage lending practices that steered tens of thousands of minority borrowers into risky subprime mortgages even though they qualified for prime loans.

Equal opportunity is a bedrock American principle, and critical to our success as a nation. H.R. 2133 would undermine this principle, and make it far more difficult to ensure that all families are treated fairly in their search for a place to live and in their efforts to obtain greater financial security.

H.R. 2133 would undermine other important civil rights and consumer protection laws as well. For example:

- It would eliminate the authority of the Consumer Financial Protection Bureau (CFPB) to stop abusive financial products and services, by striking that word altogether from key consumer protection laws.

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- It would repeal section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which requires the CFPB to collect and release lending data on small, women-owned, and minority-owned businesses, making it harder to gather information on potentially discriminatory credit practices.
- Similarly, it would weaken the CFPB’s Home Mortgage Disclosure Act (HMDA) rule and the ability for the public to discern mortgage lending trends, including critical problems such as redlining, by exempting many institutions currently covered by the law.
- It would undermine the CFPB’s “Qualified Mortgage” rules – which have been carefully written to ensure that home loans are not made to borrowers who cannot afford them – by exempting loans held in bank portfolios, even though several banks failed during the mortgage crisis because of loans they retained on their own books.

In short, H.R. 2133 would undermine our nation’s civil rights laws and discard the lessons of the 2008 financial crisis. We strongly urge you to oppose it.

Sincerely,

The Leadership Conference on Civil and Human Rights
ACCSES
Allied Progress
American Civil Liberties Union
Americans for Financial Reform
Autistic Self Advocacy Network
The Arc of the United States
Baltimore Neighborhoods, Inc.
California Reinvestment Coalition
Center for Responsible Lending
Consortium for Citizens with Disabilities Housing Task Force
Consumer Action
Consumer Federation of America
Housing Choice Partners
Human Rights Campaign
Interfaith Center on Corporate Responsibility
Lawyers’ Committee for Civil Rights Under Law
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Alliance on Mental Illness
National Association for Latino Community Asset Builders
National Association of Consumer Advocates
National CAPACD
National Community Reinvestment Coalition
National Consumer Law Center (on behalf of its low-income clients)
National Fair Housing Alliance
National Housing Law Project
National Housing Trust



National Low Income Housing Coalition
National Urban League
New Economy Project
New Jersey Citizen Action
Paralyzed Veterans of America
PolicyLink
Poverty & Race Research Action Council
Prosperity Now (formerly CFED)
Public Citizen
U.S. PIRG
UnidosUS, previously known as National Council of La Raza
Woodstock Institute
World Privacy Forum