Housing WA. ANNUAL CONFERENCE

2026

Fair Housing Today: Changes and Challenges

New Federal Administration Policy Impacts on Fair Housing

Session roadmap

Federal policy and enforcement changes since 2025

Washington and local requirements that still govern practice

Discussion of impacts, uncertainty, and workable compliance strategies

Enforcement vs. Law

Separate federal enforcement posture from legal duty.

Check the statute, current regulations, controlling cases, Washington law, and local ordinances.

Document the reason for each housing decision.

Federal enforcement and guidance withdrawals

HUD shifted resources toward facially discriminatory conduct and statutory text.

HUD withdrew groups of FHEO guidance documents in September 2025.

Underlying statutes, regulations, and private rights of action remain.

Discussion: enforcement and guidance

What changed for your organization when federal guidance disappeared?

Where did staff lose a usable decision tool?
What requests or complaints now take longer?
Which agency or legal source fills the gap?

Audience experience first, then panel perspectives

Sexual orientation and gender identity

Executive Order 14168 narrowed the federal government's definition of sex.

HUD halted enforcement tied to the 2016 Equal Access gender identity rule.

Washington law expressly protects sexual orientation, including gender expression or identity.

Discussion: LGBTQ+ protections

Where are federal and Washington expectations creating operational tension?

Shelter placement or shared facilities
Forms, names, pronouns, and records
Harassment complaints and staff training

Audience experience first, then panel perspectives

Disparate impact

Executive Order 14281 directs agencies to deprioritize disparate impact enforcement.

HUD proposed removing its regulatory test in 24 CFR 100.500.

Inclusive Communities remains controlling Supreme Court precedent unless courts or Congress change the law.

Discussion: disparate impact

How are you evaluating neutral policies that may create unequal outcomes?

What data do you review before adopting a rule?
How do you document necessity and alternatives?
Who has authority to pause a risky policy?

Audience experience first, then panel perspectives

Assistance animals and accommodations

HUD withdrew its 2020 assistance-animal notice and earlier animal guidance.

The Fair Housing Act still requires reasonable accommodations for disability.

HUD–DOJ accommodation and modification statements remain useful authorities.

Discussion: accommodations

What has become harder without the HUD assistance-animal framework?

Consistent verification standards
Online letters and third-party documentation
Fees, species, safety, and direct-threat analysis

Audience experience first, then panel perspectives

Criminal history screening

HUD withdrew guidance on criminal records and arrest records.

Fair Housing Act liability can still arise from intentional discrimination or discriminatory effects.

Seattle’s Fair Chance Housing rules add local requirements.

Discussion: criminal history

How are screening criteria changing across your portfolio or service area?

Blanket exclusions versus individualized review
Vendor settings and adverse-action notices
Conflicts between local rules and standard forms

Audience experience first, then panel perspectives

Affirmative Marketing and Digital Advertising

HUD withdrew 2024 guidance on targeted housing advertising.

Housing providers remain responsible for discriminatory ads and decisions made through vendors.

Automated screening

HUD also withdrew federal materials involving algorithmic tenant screening.

Discussion: digital tools

What can you actually audit when a vendor controls the model?

Inputs, thresholds, and override authority
Ad audiences and delivery reports
Error correction and human review

Audience experience first, then panel perspectives

Language access and immigration status

HUD withdrew several language-access and immigration-status guidance documents.

Title VI and Fair Housing Act national-origin protections continue to apply where relevant.

Washington law separately protects citizenship or immigration status in housing.

Discussion: language and immigration

Where do residents experience the largest access gaps?

Marketing and application materials
Interpretation during eligibility or lease meetings
Notices, grievances, and emergency communications

Audience experience first, then panel perspectives

AFFH

HUD’s 2025 interim final rule reduced federal planning requirements.

A grantee certification may rely on actions rationally related to promoting fair housing.

Other civil-rights duties and program-specific marketing obligations remain.

Discussion: AFFH

What evidence shows that your organization is promoting fair housing?

Who receives information and who applies?
Which barriers did you identify and address?
What outcomes can you document?

Audience experience first, then panel perspectives

Washington compliance

FEDERAL

- Fair Housing Act
- Title VI when applicable
- HUD program rules
- Federal court decisions

WASHINGTON STATE

- RCW 49.60.222
- Chapter 162-36 WAC
- Source-of-income protections
- State enforcement

LOCAL

- Seattle and other ordinances
- Additional protected classes
- Screening restrictions
- Local enforcement

Use the most protective rule that applies to the property, program, decision, and location.

Operational safeguards

Maintain a federal, state, local, and program-specific legal matrix.

Review forms, vendor settings, and decision letters on a schedule.

Use individualized review and document legitimate reasons and alternatives.

Create a clear escalation path for difficult decisions.

Key sources to monitor

HUD and the Federal Register for rules, notices, and enforcement statements

Washington State Human Rights Commission for state guidance and complaints

Local civil-rights agencies for ordinances and enforcement

Court decisions and qualified legal counsel for controlling interpretations

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Thank You

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