

**Congress of the United States**  
**Washington, DC 20515**

December 20, 2019

The Honorable Ben S. Carson Sr., MD  
Secretary  
U.S. Department of Housing  
and Urban Development  
451 7<sup>th</sup> Street SW  
Washington DC, 20410

The Honorable William Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Mr. Eric S. Dreiband  
Assistant Attorney General, Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Secretary Carson, Attorney General Barr, and Assistant Attorney General Dreiband,

The Congressional Hispanic Caucus (CHC), Congressional Black Caucus (CBC), and the Congressional Asian Pacific American Caucus (CAPAC)—collectively known as the Tri-Caucus—write to urge your immediate action in response to the recent investigative report published by *Newsday*.<sup>1</sup> The report reveals widespread separate and unequal treatment by real estate agents of minority potential home buyers and minority communities on Long Island, New York. The findings show that real estate agents, associated with some of the largest residential brokerage firms in the nation, placed more stringent conditions on minorities, engaged in “steering”—the unlawful sorting of home seekers based on race or ethnicity—provided fewer home listings to minority buyers, and disparaged minority communities when speaking with white buyers. We firmly believe that the investigation uncovers substantial evidence of conduct in violation of the *Fair Housing Act*,<sup>2</sup> which prohibits discrimination in the sale, rental, or financing of housing based on race, color, religion, sex, national origin, familial status, and disability requiring immediate action by the U.S. Department of Housing (HUD) and the U.S. Department of Justice (DOJ).

*Newsday* led a three year investigation using “paired-testing,” a method regularly used by the federal government and nonprofit fair housing organizations in measuring the extent of housing discrimination nationwide and the only viable method for detecting violations of fair housing laws by agents.<sup>3</sup> *Newsday* conducted 86 matched-pair tests: thirty-nine of the tests paired black and white testers, 31 matched Hispanic and white testers and 16 paired Asian and white testers. In 40 percent of the tests, minority testers suffered disparate treatment when compared to white testers.

---

<sup>1</sup> Olivia Winslow, Keith Herbert, and Ann Choi, “Long Island Divided,” *Newsday*, November 17, 2019, <https://projects.newsday.com/long-island/real-estate-agents-investigation> (last accessed November 25, 2019).

<sup>2</sup> Pub. L. 90-284, title VIII, 82 Stat.81 (1968); 42 U.S.C. §3601- §3631.

<sup>3</sup> Olivia Winslow, Keith Herbert, and Ann Choi, “Long Island Divided,” *Newsday*, November 17, 2019, <https://projects.newsday.com/long-island/real-estate-agents-investigation> Page X (last accessed November 25, 2019).

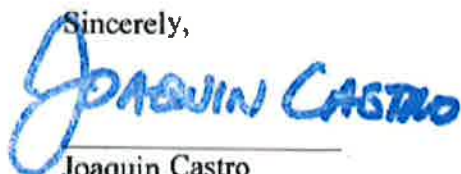
Hispanic testers' experienced unequal treatment 39 percent of the time – compared with 49 percent for black testers and 19 percent for Asian testers.

The *Fair Housing Act* was enacted to ensure fair and equal access to housing throughout the United States by prohibiting discrimination on the basis of race and other protected characteristics. The Act applies to all types of housing, public and private, including single family homes, apartments, condominiums, mobile homes, and others. The U.S. Department of Housing alongside the Department of Justice may pursue enforcement actions under the *Fair Housing Act* when there is an observed "pattern or practice" of discrimination or when discrimination against a protected class raises an issue of "general public importance."<sup>4</sup> The *Newsday* investigation reveals a wealth of evidence suggesting that minority homebuyers are subject to unequal and discriminatory treatment by real estate agents in large brokerage firms based on their race.

Recently, a new report by the National Fair Housing Alliance<sup>5</sup> found that housing discrimination is rising and that housing-related hate crimes have surged.<sup>6</sup> Housing impacts a person's ability to access quality jobs, food, health care, and education and housing discrimination interferes with families' ability to secure homes in the neighborhood of their choice. The disturbing findings by *Newsday* and increasing trends of housing discrimination suggests that this is indicative of a larger problem across our country that HUD and DOJ must immediately address. The Tri-Caucus respectfully urges an investigation and enforcement into the potential fair housing violations exposed in the *Newsday* report and full enforcement of the Fair Housing Act.

We appreciate your attention to this matter and look forward to hearing from you.

Sincerely,



Joaquin Castro  
Chair  
Congressional Hispanic Caucus



Judy Chu  
Chair  
Congressional Asian Pacific  
Caucus



Karen Bass  
Chair  
Congressional Black  
Caucus



Nydia M. Velázquez  
Member of Congress



Raúl M. Grijalva  
Member of Congress

<sup>4</sup> Pub. L. 90-284, title VIII, §814, 82 Stat.81 (1968); 42 U.S.C §3614.

<sup>5</sup> National Fair Housing Alliance, *Making Every Neighborhood a Place of Opportunity* <https://nationalfairhousing.org/wp-content/uploads/2018/04/NFHA-2018-Fair-Housing-Trends-Report.pdf> (last accessed December 10, 2019).

<sup>6</sup> Patrick Sisson, "Housing discrimination, hate crimes on the rise in U.S., says report" *Curbed* <https://www.curbed.com/2019/11/7/20953935/apartment-discrimination-fair-housing-hate-crimes> (last accessed November 25, 2019).



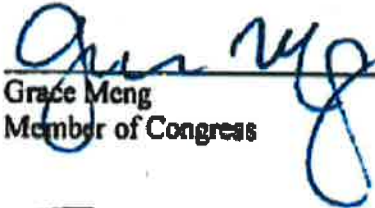
Juan Vargas  
Member of Congress



Sylvia R. Garcia  
Member of Congress



Ro Khanna  
Member of Congress



Grace Meng  
Member of Congress



Bonnie Watson Coleman  
Member of Congress



Ted W. Lieu  
Member of Congress



Barbara Lee  
Member of Congress



Pramila Jayapal  
Member of Congress



Grace F. Napolitano  
Member of Congress



Jackie Speier  
Member of Congress



Member of Congress



Darren Soto  
Member of Congress