



February 13, 2026

The Honorable Scott Knittle  
Principal Deputy General Counsel  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW  
Washington, DC 20410

Dear Principal Deputy General Counsel Knittle,

Thank you for the opportunity to comment on the Department of Housing and Urban Development's (HUD) Proposed Rule, "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard." In its proposed rule, HUD removes its discriminatory effects regulations related to disparate impact and proposes to leave "to the courts questions related to interpretations of disparate impact liability under the Fair Housing Act."

As the leading voice for aging in America, we urge HUD to proactively support, rather than leave to the courts, fair access to affordable, accessible, and available housing for all people, including older adults with low incomes and the workforce that serves them.

LeadingAge represents more than 5,400 nonprofit aging services providers and other mission-driven organizations serving older adults that touch millions of lives every day. Alongside our members and 36 partners in 41 states, we use advocacy, education, applied research, and community-building to make America a better place to grow old. Our membership encompasses the entire continuum of aging services, including skilled nursing, assisted living, memory care, affordable housing, retirement communities, adult day programs, community-based services, hospice, and home-based care. We bring together the most inventive minds in the field to lead and innovate solutions that support older adults wherever they call home. For more information visit [leadingage.org](https://leadingage.org).

By prohibiting discrimination in housing-related activities, the Fair Housing Act creates critical guardrails for housing access. Disparate impact liability related to housing access refers to whether a housing practice has an unjustified discriminatory *effect*, even where practices were not motivated by discriminatory *intent*. The Supreme Court upheld the use of disparate impact in 2015, and HUD has interpreted the Fair Housing Act as prohibiting disparate impact for over 40 years.

On April 23, 2025, the President issued [Executive Order 14281](#), "Restoring Equality of Opportunity and Meritocracy." The Executive Order instructs all federal agencies, including HUD, to review existing regulations and rules that impose disparate impact liability and consider amendment or repeal of these regulations. In response, HUD's January 14 proposed rule aims to revise and remove prior rulemaking that established unlawful housing discrimination as established by effect vs. intent, stating that the Fair Housing Act "guarantees equality of opportunity, not outcomes."

On behalf of older adults and the workforce that serves them, LeadingAge strongly opposes the removal of HUD's disparate impact implementation regulations. By removing the clear, overarching framework for implementing critical Fair Housing Act protections, HUD is creating confusion for housing providers looking for direction on complying with the Fair Housing Act and reducing protections for older adults experiencing housing discrimination.

We look forward to working together to advance housing access for older adults. Please direct any questions to [Juliana Bilowich](#), LeadingAge's Vice President of Housing Policy.

Sincerely,

Juliana Bilowich  
LeadingAge