DOJ rescinds guidance documents on housing discrimination, mortgage tips

Earlier this week, ahead of the July 4 Independence Day holiday, the Department of Justice, rescinded two dozen law enforcement guidance documents. Among them were directives and brochures on housing discrimination and mortgage and home equity loan advice.

When Attorney General Jeff Sessions took the helm of DOJ, he banned the practice of issuing guidance documents and began rescinding the ones he felt were, “unnecessary, outdated, inconsistent with existing law, or otherwise improper.”

“The American people deserve to have their voices heard and a government that is accountable to them,” Sessions said in a statement. “When issuing regulations, federal agencies must abide by constitutional principles and follow the rules set forth by Congress and the President.”

“In previous administrations, however, agencies often tried to impose new rules on the American people without any public notice or comment period, simply by sending a letter or posting a guidance document on a website,” he added. “That’s wrong, and it’s not good government.”

Among the documents — many of which were retrieved in some form by news outlet Quartz — is a 2006 brochure called “Federal Protections Against National Origin Discrimination.” A 2015 republishing of a brochure by the same name on the DOJ website has a section that spells out two instances of housing discrimination — against a native Hawaiian and a Latino family — as guidance for enforcement.

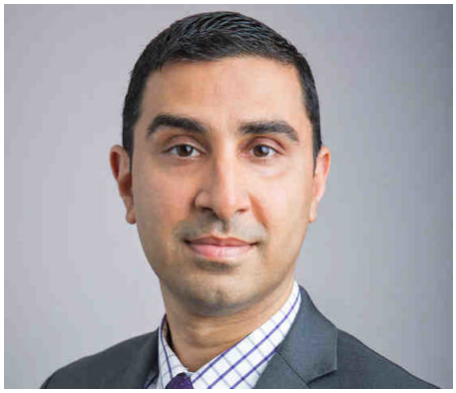
Other documents include, a 2010 guide to shopping for a mortgage for consumers and a 2015 study about the risks of taking out a home equity line of credit.

4 hacks to generate listings immediately

Tom Ferry shares tips on leveraging your buyers (really!) into more listings READ MORE

Outside of housing, DOJ rescinded documents related to how juveniles should be treated by courts and explanations of court rulings regarding race-conscious admissions at schools.

The decision to purge these documents has drawn ire of civil rights organizations.



Faiz Shakir

“This move from Attorney General Sessions is a concrete signal that there is a war being waged on civil liberties from the highest levels of government,” said Faiz Shakir, national political director of the American Civil Liberties Union. “Guidance documents do not make law, but they do clarify and facilitate the law’s implementation.”

“This is another attack by Sessions and President Trump on people of color,” he added. “Our chief law enforcement officer is dismantling structures that prevent racial discrimination in education, in housing and in ensuring fair treatment of juveniles in our criminal justice system.”

This is not the first time in 2018 that the Trump administration’s actions on housing discrimination have come under fire from nonprofit groups. In May, a trio of nonprofit advocacy groups sued the U.S. Department of Housing and Urban Development over its delay of an Obama-era anti-segregation program. New York State later became the first state to join the lawsuit.

Email Patrick Kearns

Source: click here