



1800 W 6th Street
Austin, TX 78703
TexasHousers.org

June 17, 2022

Sameena Shina Majeed
U.S. Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Chief Majeed

Texas Housers is a research and advocacy organization working to support low income and communities of color in Texas to achieve the American Dream of a decent, affordable home in a quality neighborhood of choice. Founded in 1988, the organization has offices in Houston, San Antonio and Austin.

We are writing today regarding the recent actions by the Providence Village Homeowners' Association in Denton County, Texas and asking your office to review the legality of an amendment they recently passed. Providence Village is an incorporated city located in Denton County, Texas. On June 1, 2022, Providence Village Homeowners' Association (H.O.A.) enacted a new amendment prohibiting the rental of Section 8 housing.

The new HOA amendment requires landlords who provide housing to Housing Choice Voucher (HCV) holders to evict their tenants or face \$300 per week per house fines, effective immediately. The HOA covers the entire city, and since Providence Village is also an incorporated city, this effectively makes HCV housing unavailable in the entire city. There are over 150 families, approximately 680 people, who will be forced to leave their homes mid-lease with no clear housing options available.

We are asking your office to please review these actions for their legality. The Fair Housing Act expressly prohibits discrimination in the rental or sale of a dwelling on the basis of race, color, religion, sex, familial status, or national origin. See 42 U.S.C. § 3604(a). The Act has been interpreted to prohibit municipalities from using their powers in a discriminatory manner, that is in a manner which excludes housing for a group of people on the basis of one of the enumerated classifications.¹ This action has a clear inordinate impact on people of color, the demographics of

¹ See *Huntington Branch, NAACP v. Town of Huntington*, 844 F.2d 926 (2d Cir.), *aff'd* 488 U.S. 15, 109 S. Ct. 276, 102 L. Ed. 2d 180 (1988); *United States v. City of Black Jack*, 372 F. Supp. 319, 327 (E.D.Mo.), *rev'd on other grounds*, 508 F.2d 1179 (8th Cir.1974), *cert. denied*, 422 U.S. 1042, 95 S. Ct. 2656, 45 L. Ed. 2d 694 (1975). The Fifth Circuit has established that plaintiffs suing under the Fair Housing Act may establish liability by showing intentional

the voucher holders are 94% Black and 4% Hispanic. In addition, 88% of the voucher households have children in the home.

Thank you for your consideration of this matter. We would be happy to discuss this further with you.

Sincerely,

Texas Housers
Texas Homeless Network
United Way of Denton

discrimination or by showing that the defendant's acts have a significant discriminatory effect. See *Simms v. First Gibraltar Bank*, 83 F.3d 1546, 1555 (5th Cir.1996) cert. denied, 519 U.S. 1041, 117 S. Ct. 610, 136 L. Ed. 2d 535 (1996) ("a violation of the FHA may be established not only by proof of discriminatory intent, but also by a showing of significant discriminatory effect"); *Hanson v. Veterans Admin.*, 800 F.2d 1381,1386 (5th Cir.1986) ("a violation of section 804 of the Fair Housing Act may be established not only by proof of discriminatory intent, but also by a showing of a significant discriminatory effect."); *United States v. Mitchell*, 580 F.2d 789, 791 (1978) ("[t]he Fair Housing Act prohibits not only direct discrimination but practices with racially discouraging effects").