

Supreme Court Upholds Fair Housing Act “Disparate Impact” Standard

Overview of court ruling in
*Texas Department of Housing and Community Affairs v.
The Inclusive Communities Project*

The broader issue

Can individuals sue under the Fair Housing Act by claiming the law has had a “disparate impact” – or does the suit have to show an intent to discriminate?

The narrow issue

Did the Texas housing department improperly clustered Section 8 housing in low-income, high-crime areas, therefore preserving segregation?

History

- Federal courts previously allowed lawsuits based on disparate-impact claims to proceed
- 1988, Congress amended the Fair Housing Act to create three exceptions to disparate impact claims

How did the court rule?



Ginsberg Sotomayor Breyer Kagan Kennedy

Voted to uphold the
disparate impact standard



Roberts Alito Scalia Thomas

Voted
against