



U.S. Department of Housing and Urban Development
Fair Housing and Equal Opportunity
Office of Special Investigations
451 7th Street, SW, Room 5234
Washington, DC 20410

December 11, 2025

By Certified U.S. Mail and Email

The Honorable Michelle Wu
Mayor of Boston
1 City Hall Square, Suite 550
Boston, Massachusetts 02201-2043
michelle.wu@boston.gov

RE: Secretary-Initiated Investigation of the City of Boston, the Mayor's Office of Housing, the Mayor's Office of Economic Opportunity and Inclusion, and the City of Boston Planning Department

Dear Ms. Wu:

I am the Assistant Secretary for Fair Housing and Equal Opportunity, and I write to notify you that the U.S. Department of Housing and Urban Development (the Department) is initiating an investigation into the City of Boston's housing policies, practices, and programs, as authorized by the Fair Housing Act.¹ No person or entity—the City of Boston included—is permitted to violate civil rights protections in the name of “Diversity, Equity, and Inclusion” (DEI).² As you are aware, the Trump Administration is dedicated to protecting the civil rights of *all* Americans.³ At your office's direction, however, City officials have set out to smuggle “racial equity into every layer of operations in City government.”⁴ To this dubious end, the City of Boston (the City) has developed and intends to implement discriminatory housing policies in violation of the Fair Housing Act.⁵

¹ See 42 U.S.C. § 3610(a)(1)(A)(iii).

² See U.S. Att'y Gen. Memo, “Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination,” 1 (July 29, 2025).

³ Exec. Order No. 14173, 90 C.F.R. 8633 (Jan. 21, 2025) (“It is the policy of the United States to protect the civil rights of all Americans and to promote individual initiative, excellence, and hard work.”).

⁴ Equity and Inclusion Cabinet, City of Boston, “Racial Justice,” <https://www.boston.gov/departments/equity-and-inclusion-cabinet/racial-justice>, (last updated Aug. 27, 2025).

⁵ See [Boston Housing Strategy 2025; A Place to Thrive: Anti-Displacement Action Plan for Boston - Final 7.09.2025.pdf](#) - Google Drive.

The Fair Housing Act and Title VI Prohibit Racial Discrimination.

The Fair Housing Act provides, in pertinent part, that it is illegal “to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, . . . sex . . . or national origin.”⁶ It is also illegal to “cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on” the same protected traits.⁷ Every entity engaged in “residential real estate-related transactions” is prohibited from discriminating against “any person” in the availability or “terms or conditions of such a transaction because of race.”⁸ Similarly, under Title VI, “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in” or “denied the benefits” of “any program or activity receiving Federal financial assistance.”⁹

Federal statutory civil rights protections run in tandem with the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. And the Supreme Court has made clear that “at the heart of the Constitution’s guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual or national class.”¹⁰ For this reason, the Court has held that “outright racial balancing is patently unconstitutional.”¹¹

The City of Boston’s Racist Ambitions Privilege One Group of Americans Over Another in Violation of the Law.

Notwithstanding these well-established constitutional and federal law principles, the City has other ideas. In its “City of Boston Assessment of Fair Housing, January 20, 2022,” the City contends that, in the context of race, fair housing is not about “the absence of racial discrimination . . . but the presence of deliberate systems . . . to achieve and sustain racial equity.”¹² But this is wrong. The text of the Fair Housing Act is unmistakably focused on eliminating discrimination in the housing market and outlining the penalties for engaging in this kind of discrimination.¹³ In other words, fair housing is about equal access and the eradication of unlawful discrimination, not racial equity. The City’s peculiar conception of fair housing calls to mind Justice Clarence Thomas’s admonition: “Indeed, if our history has taught us

⁶ 42 U.S.C. § 3604(b).

⁷ 42 U.S.C. § 3604(c).

⁸ 42 U.S.C. § 3605(a) (cleaned up).

⁹ 42 U.S.C. § 2000d.

¹⁰ *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, 223 (2023) (citation and internal quotation marks omitted).

¹¹ *Id.* (citation omitted) (cleaned up).

¹² [City of Boston Assessment of Fair Housing](#), 181 (Jan. 20, 2022).

¹³ See Edward Goetz, *The One-Way Street of Integration* 98 (2018).

anything, it has taught us to beware of elites bearing racial theories.”¹⁴

To further its racist theory of housing justice, the City’s Fair Housing Assessment promises to “target homebuyer outreach” at “Black and Latinx families” and pressure “banks and mortgage lenders to increase their lending in communities of color.”¹⁵ Accordingly, the assessment tasked the Mayor’s Office of Housing (MOH), the City of Boston Planning Department (BPD), and the Boston Housing Authority with collecting racial and ethnic data “to evaluate their work through a racial equity/social justice lens.”¹⁶

The City’s public officials have not only ignored Justice Thomas’s counsel about racial-theorizing elites but also the Supreme Court’s warning about the “danger” of “adopt[ing] racial quotas” in housing.¹⁷ Indeed, the “Boston Housing Strategy 2025” announced that “at least 65%” of “opportunities to buy homes through City of Boston initiatives” should go to “BIPOC” [black, indigenous, or person of color] households.¹⁸ The policy is clear: financial housing assistance is not just for all low-income persons but instead “particularly BIPOC residents.”¹⁹ According to MOH, “City resources will be used to help low-to-moderate-income and/or BIPOC residents put together a down payment and access financing.”²⁰ This so-called “strategy” promises to continue leveraging “banks, lenders, developers, real estate agents, and other stakeholders” to enact this racist housing plan. For its part, the City of Boston Office of Economic Opportunity and Inclusion has partnered with private business leaders to award contracts pursuant to explicit racial and sex-based quotas.²¹

In League with Aligned Nonprofit Organizations, City Officials Have Enthusiastically Embraced and Appear to Have Implemented the City’s Proposed Racial Spoils System.

City officials appear to be implementing these racially discriminatory plans. For instance, City Council President Ruthzee Louijeune—who previously embraced your morally repugnant racially exclusionary holiday party for public officials²²—praised the City’s ongoing “Welcome Home, Boston” housing initiative for providing “intentional investment” in neighborhoods with the City’s favored racial composition.²³ Indeed, the nonprofit “Opportunity Communities” thanked the

¹⁴ *Parents Involved in Community Schools v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 780-81 (2007) (Thomas, J., concurring) (citation omitted).

¹⁵ [City of Boston Assessment of Fair Housing](#), 176-178.

¹⁶ *Id.* at 182.

¹⁷ *Tex. Dept. of Housing and Comm. Aff. v. Incl. Comm. Project, Inc.*, 576 U.S. 519, 542-43 (2015).

¹⁸ [Boston Housing Strategy 2025](#), Executive Summary iii.

¹⁹ *Id.* at 23.

²⁰ *Id.* (emphasis added).

²¹ [Partnership promises to award 50% of contracting dollars to minority- and women-owned businesses for White Stadium project – The Bay State Banner](#).

²² [Boston Mayor Michelle Wu’s holiday party draws criticism – NBC Boston](#).

²³ [Welcome Home, Boston](#), (last updated July 23, 2025).

Commonwealth of Massachusetts, Commonwealth Corporation (a quasi-public agency), and the Massachusetts Housing Partnership (a public nonprofit) on its website for “direct investment and in-kind support.”²⁴ On the same website, this organization boasts that its “key initiative”—pursuant to the Fair Housing Act, no less—is to “employ a racial disparity lens to address housing supply.”²⁵ This “lens” means “explicit race-conscious marketing and buyer selection” for “buyers of color.”²⁶

The City of Boston Has Taken an All-of-Government Approach to Advance Its Racially Discriminatory Housing Plans.

In a shameful echo of a darker period in our country’s history, the City’s “Anti-Displacement Action Plan” appears to revive government-sponsored redlining.²⁷ It employs explicit racial classifications “to inform planning, outreach priorities, and decision-making” for the City’s initiatives in residential real estate marketing, transactions, and public services.²⁸ The first “people” indicator uses the percentage of “residents who are non-White” to identify “high-risk” areas worthy of public investment.²⁹ It holds that “[l]ow-risk block groups . . . tend to be whiter” with “higher proportions” of “native English speaking residents.”³⁰ MOH admits this racialized map is intended to *predict* displacement and thereby guide future public investment, even though its published methodology shows that race has a relatively low correlation with “displacement” compared to other factors and is redundant to the nonracial indicators.³¹ The City suggests that it will use this faulty, race-based tool to decide where to build “new affordable housing.”³²

In the same action plan, MOH contemplates re-establishing a Diversity Preservation Preference (“DPP”) program.³³ This program would give preference to households “at high risk of displacement” (as determined by the race-based map) in

²⁴ [Supporters — OppCo.](#)

²⁵ [Homes for equity — OppCo.](#)

²⁶ *Id.*

²⁷ Redlining is fairly defined as “those lending practices that constitute arbitrary denials of financing based on geographic location, racial or ethnic considerations, or any consideration which is not justified on the basis of legitimate, demonstrable economic criteria.” John H. Gilmore, *Redlining & The Fair Housing Act: The Lost Opportunity of Mackey v. Nationwide Insurance Companies*, 34 CATH.U.L.REV. 563, 564 n.1 (1985) (citation omitted).

²⁸ [A Place to Thrive: Anti-Displacement Action Plan for Boston - Final 7.09.2025.pdf](#) - Google Drive, 16.

²⁹ [Boston Residential Displacement Risk Map Published Technical Documentation](#) - Google Docs, 7.

³⁰ [A Place to Thrive: Anti-Displacement Action Plan for Boston - Final 7.09.2025.pdf](#) - Google Drive, 15.

³¹ [Boston Residential Displacement Risk Map_Published Technical Documentation](#) - Google Docs, 4, 6.

³² [A Place to Thrive: Anti-Displacement Action Plan for Boston - Final 7.09.2025.pdf](#) - Google Drive, 16.

³³ [A Place to Thrive: Anti-Displacement Action Plan for Boston - Final 7.09.2025.pdf](#) - Google Drive, 25.

accessing new income-restricted housing.³⁴ The plan considers implementing the preference while acknowledging “legal constraints on authority to use [racial] preferences like the DPP.”³⁵

Additionally, BPD has long conditioned redevelopment of publicly owned land on the submission of a DEI plan that requires outlining participation “by people of color” and “women” as “building tenants.”³⁶ The website boasts of multiple residential real estate projects operated subject to these City-imposed race-and sex-based terms.³⁷

The City of Boston Is Not Exempt from Federal Antidiscrimination Laws.

The City has been very public about its intention to discriminate on the basis of race, while essentially claiming that social justice and racial equity concerns purify its intentions. But the Supreme Court has long recognized that “[t]he absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy,” nor “alter [its] intentionally discriminatory character.”³⁸ Stated differently, and to borrow again from Justice Thomas, “government-sponsored racial discrimination based on benign prejudice is just as noxious as discrimination inspired by malicious prejudice. In each instance, it is racial discrimination, plain and simple.”³⁹

Because City officials have brazenly endorsed, outlined, and implemented a city-wide system for allocating scarce housing resources based on race, color and/or national origin, the Department’s Office of Fair Housing and Equal Opportunity (FHEO), along with FHEO’s Office of Special Investigations, is investigating the City for unlawful housing discrimination and its compliance with Title VI. Our investigation will determine whether and how the City has violated or intends to violate 42 U.S.C. §§ 3604, 3605 and 42 U.S.C. § 2000d and its implementing regulations.

Upon completion of its investigation, FHEO may file a complaint against the City for discrimination based on race, sex, and national origin under the applicable statutes. Based on our findings, FHEO may determine there is reasonable cause to believe the City has or intends to violate the civil rights of its citizens and, if so, can file charges of discrimination or refer the matter to the U.S. Department of Justice

³⁴ *Id.*

³⁵ *Id.*

³⁶ [Diversity, Equity, and Inclusion Requirements for Public Land Dispositions | Bostonplans.org](#),

(DEI Requirements Included in RFPs) (last accessed Dec. 8, 2025).

³⁷ *Id.* (“Projects that have submitted DEI plans since 2018 include the [Blair Lot](#), [Parcel 8](#), and the [Crescent Parcel](#) in Nubian Square, [22 Drydock](#), 24 Drydock, and Parcel M in the Raymond L. Flynn Marine Park, [Parcel R-1](#) in Chinatown, and Building 108 in the Charlestown Navy Yard.”).

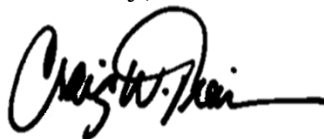
³⁸ *International Union v. Johnson Controls, Inc.*, 499 U.S. 187, 199 (1991).

³⁹ *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 241 (Thomas, J., concurring).

for enforcement.

Within ten (10) business days of this letter's date, FHEO will issue initial requests for information from the City. Please reach out to Robert.A.Doles@hud.gov with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig W. Trainor". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Craig W. Trainor
Assistant Secretary
Fair Housing and Equal Opportunity

cc: Sheila A. Dillon
Chief of Housing for the City of Boston
Director
Mayor's Office of Housing

Kairos Shen
Chief of Planning
City of Boston Planning Department