



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

ASSISTANT SECRETARY FOR
FAIR HOUSING AND EQUAL OPPORTUNITY

April 24, 2026

Dear Colleague:

I write to inform you about the proper understanding of steering as a form of intentional discrimination under the Fair Housing Act, 42 U.S.C. 3601 *et seq.* (the Act). As the Assistant Secretary for Fair Housing and Equal Opportunity, I am responsible for enforcing the Act nationwide and ensuring its lawful, consistent, and fair application. Contrary to publicly available materials from industry leaders on steering,¹ real estate agents and brokers do not violate the Fair Housing Act merely by discussing with prospective homebuyers or renters the prevalence of crime or the quality of schools in neighborhoods.

**Sharing Crime And School Data
Is Wrongly Equated With Racial Discrimination.**

Americans deserve access to the information they need to make informed judgments about where to live and raise a family. Under the Biden Administration, however, real estate brokerages and listing services began denouncing neighborhood crime data as potentially “reinforcing racial bias.”² Indeed, Realtor.com flatly told homebuyers that, “[b]ecause of the Fair Housing Act, [real estate] agents legally can’t answer your questions about neighborhood safety[.]”³

In late 2021, Realtor.com announced an update in conformity with its restrictive understanding of the Fair Housing Act: “We recently removed all crime data from Realtor.com. As part of our commitment to fair housing, we want to ensure we are providing you with the most valuable, fair and accurate neighborhood data so you can make informed decisions about where you want to rent or purchase your next home.”⁴ In reality, removing crime data does not help Americans make “informed decisions” about where to buy a home. It achieves the opposite effect.

Similarly, the real estate brokerage Redfin cited racial bias to justify its position “that Redfin—and all real estate sites—should not show neighborhood crime data.”⁵ Trulia, another online property listing service, removed its neighborhood crime data a week later.⁶ This movement toward restricting, rather than increasing, the amount of

¹ *E.g.*, National Association of Realtors, *The Safety Series: ‘Is This a Safe Neighborhood?’ Don’t Answer That*, NAR Realtor News (Apr. 17, 2024), <https://www.nar.realtor/magazine/drive/is-this-a-safe-neighborhood-dont-answer-that>.

² Adam Sabes, *Real estate websites don’t include crime data from property listings due to ‘racial bias,’* Fox Business (Dec. 18, 2021), <https://www.foxbusiness.com/economy/real-estate-websites-dont-include-crime-data-from-property-listings-due-to-racial-bias>.

³ Larissa Runkle, *Is Your New Home in a Safe Neighborhood? How to Find Out*, Realtor.com (May 9, 2022), <https://www.realtor.com/advice/buy/is-your-new-home-in-a-safe-neighborhood-how-to-find-out/>.

⁴ *Id.*

⁵ Sabes, *supra* note 2.

⁶ Sabes, *supra* note 2.

information available to American families hinders their ability to find housing in a place best suited to their individual needs.

These changes were encouraged by a Biden-era memorandum issued on January 26, 2021,⁷ the logic of which has since been superseded by President Trump's April 23, 2025, Executive Order, "Restoring Equality of Opportunity and Meritocracy."⁸

The National Association of Realtors (NAR), the foremost trade association for American real estate agents and brokers, added to this confusion by imposing a professional gag order concerning crime rates and school quality. In 2020, NAR inaccurately represented that the Fair Housing Act "prohibit[s] real estate professionals from discussing topics such as ... quality of schools" and the "safety of neighborhoods."⁹ Another article states that, under NAR's Code of Ethics, agents "can't answer certain questions" about "quality of schools" and "neighborhood safety," just like they can't comment on the racial "demographics" of the area.¹⁰ Rather than truthfully answer nonracial client questions, agents should "explain fair housing laws and why it would be illegal to offer [their] opinion."¹¹

The claim that realtor discussion of school quality and neighborhood safety is illegal is premised—incorrectly—on the Act's prohibition on racial "steering."

In 2023, NAR published an article suggesting realtors could be "*inadvertently steering clients in one direction over another*" by truthfully answering client questions about local schools.¹² In reliance upon a purported "expert" in "the Diversity, Equity, and Inclusion (DEI) space," the article asserts that intentions "matter little" when "answering client questions about neighborhoods and schools" as "implicit bias might inadvertently lead to fair housing violations."¹³ The article encourages realtors to "direct [their] clients' inquiries" to the "local schools" to avoid the realtors' "implicit biases"—as if the school will somehow give a less biased assessment of its own quality.¹⁴ NAR, therefore, advises that, "if clients ask whether ABC Elementary School is a good school, the best response [realtors] can provide is

⁷ Memorandum for the Secretary of Housing and Urban Development, 86 Fed. Reg. 7487 (Jan. 26, 2021).

⁸ Exec. Order No. 14281, 90 Fed. Reg. 17537 (Apr. 23, 2025).

⁹ Erica Christoffer, *The Gentrification Conversation*, NAR Realtor News (Mar. 31, 2020), <https://www.nar.realtor/magazine/real-estate-news/commentary/the-gentrification-conversation>.

¹⁰ Graham Wood, *Fair Housing Is In Your Hands*, NAR Realtor News (Apr. 2, 2023), <https://www.nar.realtor/magazine/real-estate-news/law-and-ethics/fair-housing-is-in-your-hands>.

¹¹ *Id.*

¹² Lee Nelson, *How to Handle Client Questions About Schools and Neighborhoods*, NAR Realtor News (Jan. 3, 2023), <https://www.nar.realtor/magazine/broker-news/network/how-to-handle-client-questions-about-schools-and-neighborhoods>.

¹³ *Id.* Researchers from Harvard and other institutions of higher education debunked the "implicit bias" claim years ago, finding "that the correlation between implicit bias and discriminatory behavior appears weaker than previously thought," and "that there is very little evidence that changes in implicit bias have anything to do with changes in a person's behavior." Tom Barlett, *Can We Really Measure Implicit Bias? Maybe Not*, Chron. of Higher Educ. (Jan. 5, 2017), https://www.law.georgetown.edu/wp-content/uploads/2017/10/Can-We-Really-Measure-Implicit-Bias_-Maybe-Not-The-Chronicle-of-Higher-Education.pdf.

¹⁴ Nelson, *supra* note 12.

to” not answer and instead direct them to “the school district’s website.”¹⁵ This misguided advice is the product of “disparate impact” theory, which threatens civil rights liability without any showing of differential treatment or discriminatory intent.

Perhaps unsurprisingly, the restrictive actions and advice from industry and realty groups mirror the position of the progressive nonprofits that sue them. For instance, the National Fair Housing Alliance (NFHA), a consortium of more than 200 private nonprofit “fair housing” organizations, instructs real estate professionals to avoid using “crime and school data reports.”¹⁶ When recurring plaintiffs—like NFHA—warn industry to avoid discussing crime and school data, it may minimize the risk of litigation to follow their ideological lead, but it does not reflect a proper understanding of the Fair Housing Act, generally, or steering, specifically.

The Office of Fair Housing and Equal Opportunity (FHEO)’s core responsibility is advancing lawful fair housing enforcement in its administrative and grantmaking activities. Accordingly, FHEO staff, organizations receiving grants within the Fair Housing Initiatives Program (FHIPs), and state or local agencies participating in the Fair Housing Assistance Program (FHAPs) should operate with a proper understanding of racial steering. In turn, real estate professionals will be able to share pertinent, truthful information about neighborhood characteristics without fear of a lawsuit.

Real Estate Professionals May Lawfully Discuss Neighborhood Crime Rates And School Quality With Clients.

As a threshold matter, the Fair Housing Act does not categorically restrict realtor speech on crime rates or school quality. If the Act made it illegal for real estate agents to discuss schools or crime in a neighborhood, grave First Amendment concerns would arise.¹⁷ Indeed, the Act provides that “it is the policy of the United States to provide, *within constitutional limitations*, for fair housing throughout the United States.”¹⁸

Moreover, on January 20, 2025, President Trump reconfirmed the Administration’s constitutional commitment to freedom of speech by issuing an order which declared that “it is the policy of the United States to (a) secure the right of the American people to engage in constitutionally protected speech and (b) ensure that no Federal

¹⁵ *Id.*

¹⁶ National Fair Housing Alliance, Fair Housing Solutions: Overcoming Real Estate Sales Discrimination, 15 Dec. 2019, <https://nationalfairhousing.org/wp-content/uploads/2019/12/Fair-Housing-Solutions-Overcoming-Real-Estate-Sales-Discrimination-2.pdf>.

¹⁷ *Nat’l Inst. of Fam. & Life Advocs. v. Becerra*, 585 U.S. 755, 767-68 (2018) (explaining content-based restrictions on speech, including professional speech, are subject to strict scrutiny under the First Amendment).

¹⁸ 42 U.S.C. § 3601 (emphasis added). *See also* 24 CFR § 115.310 (FHEO funding may not “be used to investigate or prosecute any activity engaged in by one or more persons ... that may be protected by the First Amendment of the United States Constitution.”).

Government officer, employee, or agent engages in or facilitates any conduct that would unconstitutionally abridge the free speech of any American citizen.”¹⁹

For these reasons, FHEO will ensure that the Fair Housing Act is not used as a justification to censor the protected speech of American real estate professionals and restrict their efforts to provide their clients with the information necessary to choose the best place for their families to live.

Under The Fair Housing Act, Racial Steering Involves Unequal Treatment And Discriminatory Intent.

The term “steering” is nowhere to be found in the Fair Housing Act, but the United States Supreme Court has defined racial “steering” as “directing prospective homebuyers interested in equivalent properties to different areas *according to their race*.”²⁰ Racial steering cases can emerge under §§ 804(a) and (c) of the Act.²¹ Subsection (a) prohibits refusing to negotiate the sale or rental of, or making unavailable, a dwelling “because of race,” while subsection (c) prohibits making any statement for the sale or rental of a dwelling that indicates “any preference ... based on race.”

The Department’s regulations define “unlawful steering” as restricting or attempting “to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, buying or renting a dwelling,” “because of race, color, religion, sex, handicap, familial status, or national origin.”²² Examples of prohibited steering practices include:

- “discouraging any person from inspecting, purchasing or renting a dwelling ... because of the race ... of persons in a community, neighborhood, or development”;
- “[d]iscouraging the purchase or rental of a dwelling because of race ... by exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or of a community, neighborhood, or development”;
- “communicating to any prospective purchaser that he or she would not be comfortable or compatible with existing residents of a community ... because of race”; and
- “assigning any person to a particular section of a community ... because of race.”²³

¹⁹ Exec. Order 14149, 90 C.F.R. 8243 (Jan. 20, 2025).

²⁰ *Gladstone Realtors v. Vill. of Bellwood*, 441 U.S. 91, 94 (1979).

²¹ 42 U.S.C. §§ 3604(a), (c).

²² 24 C.F.R. § 100.70(a). The focus here is on racial steering because real estate organizations invoke concerns around “racial bias” to justify not answering questions or providing information on neighborhood safety.

²³ *Id.* at § 100.70(c)(1)-(4).

Case law and the Department’s own regulations make clear that statements made without the *intent* to direct a client based on his race or the prevailing racial characteristics of a neighborhood do not constitute unlawful racial steering.²⁴ The Department’s regulations emphasize that racial steering consists of discouragement, communication, or action “because of” race.²⁵ A discriminatory action taken “because of” a particular factor necessarily involves an intentional choice in which that factor plays some role in the [actor’s] thinking.”²⁶

As the United States Court of Appeals for the Seventh Circuit explained, “steering implies different treatment of testers [or buyers] of different races. A broker determined to ‘steer’ all customers, of whatever race, to a particular neighborhood is not guilty of racial steering, because he is not treating the races differently.”²⁷ Likewise, a broker determined to steer all customers—regardless of race—toward low-crime areas with good schools is treating the races equally and not engaging in prohibited steering.²⁸

Industry And Fair Housing Organizations Should Encourage Real Estate Professionals To Share Truthful Information About Neighborhood Crime And Schools.

As a general matter, the real estate industry should reconsider its use of self-appointed DEI “experts” and its implementation of their recommendations in its educational and training materials. DEI programs and experts have frequently used “disparate impact” to justify present-day discrimination against Americans in the name of “equity” or equal outcomes. As this Administration has repeatedly made clear, racial discrimination of any kind is unlawful under federal civil rights laws, and it will not be tolerated.

Industry guidance instructing realtors not to answer client questions related to crime or schools does a disservice to purchasers, renters, real estate agents, and fair housing principles. While it is unlawful for realtors to treat their clients differently based on

²⁴ *Heights Cmty. Cong. v. Hilltop Realty, Inc.*, 629 F. Supp. 1232, 1271 (N.D. Ohio 1983), *aff’d in relevant part, rev’d in part*, 774 F.2d 135 (6th Cir. 1985) (affirming that courts look for “requisite intent” when assessing steering claims).

²⁵ 24 C.F.R. § 100.70(c)(1)-(4).

²⁶ *Murray v. UBS Securities, LLC*, 601 U.S. 23, 40 (2024) (Alito, J., concurring).

²⁷ *Vill. of Bellwood v. Dwivedi*, 895 F.2d 1521, 1528 (7th Cir. 1990) (Posner, J.).

²⁸ The claim that a realtor’s discussion of crime and failing schools can trigger racial steering concerns appears itself to be premised upon highly suspicious stereotyping. First, in this country, we reject racial stereotyping because it is “offensive and demeaning” and contrary to equal protection of the law. *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 220-21 (2023) (citations omitted). Second, crime is not a function of race but of individual choice, behavioral predispositions, and personal character. See James Q. Wilson & Richard J. Herrnstein, *Crime & Human Nature: The Definitive Study of the Causes of Crime* 508 (1985). Third, public schools do not fail because of the racial composition of their students; rather, they fail because they are government-protected monopolies insulated from competition and held captive by teachers’ unions unconcerned with student achievement. Keri D. Ingraham, *Break the K-12 Monopoly*, Real Clear Educ. (Aug. 3, 2022), https://www.realcleareducation.com/articles/2022/08/03/break_the_k-12_monopoly_110751.html.

race or guide their clients with racial language, information about crime rates and school ratings is relevant to all races.

The realtor-client relationship is a fiduciary one, and it demands the free flow of nonracial information regarding purchasing and rental options. Indeed, industry leader NAR acknowledges that the “salesperson is often seen as the community expert.”²⁹ NAR, likewise, knows that “[q]uestions about schools come up all the time, and even with buyers who don’t have kids since living within a specific district could affect resale.”³⁰ Busy Americans should not have to do their own research to answer basic real estate questions after they have engaged the services of a realtor.³¹ Otherwise, they are well within their rights to question the hefty commissions that they pay their agents upon closing a deal.³²

Common sense dictates, and courts long ago recognized, that “[a]nswering inquiries of a home seeker in a responsive and helpful manner would seem to be essential to selling or brokering real estate. If the home seeker receives an accurate response, it aids the person in making a housing choice.”³³ Contrary guidance arbitrarily prevents agents from helping their customers, depriving realtors of a value-add and home buyers and renters of vital, actionable information.

Although “fair housing” primarily refers to equal access and the eradication of unlawful discrimination, it also means housing that is “safe” and “decent.”³⁴ Avoiding violent crime and failing schools are necessary steps toward safe and decent living conditions for all Americans. Realtors and listing services undermine fair housing when they refuse to provide prospective homebuyers or tenants with information about the safety of neighborhoods or the quality of local schools.

FHAPs should not issue findings of discrimination based on real estate professionals providing school and crime data to customers in an equal and consistent manner or truthfully answering nonracial questions on those topics. Similarly, FHIPs should not use federal funds to file fair housing complaints premised on real estate professionals providing school and crime data in an equal and consistent manner or truthfully answering nonracial questions on those topics. Neither FHAPs nor FHIPs should disseminate or rely on guidance incorrectly asserting that the Fair Housing Act prohibits nonracial professional speech about neighborhood school quality and crime rates.

²⁹ Nelson, *supra* note 12.

³⁰ Nelson, *supra* note 12.

³¹ Runkle, *supra* note 3.

³² Paige Cerulli, *Why a Landmark Real Estate Commission Settlement Hasn't Lowered Costs for Homebuyers*, Kiplinger (Sept. 10, 2025), <https://www.kiplinger.com/real-estate/landmark-real-estate-commission-settlement-why-costs-havent-dropped>, (“When you sell your house, the costs can add up quickly—and one of the biggest expenses is often real estate commissions.”).

³³ *Heights Cmty. Cong.*, 629 F. Supp. at 1271.

³⁴ 24 C.F.R. § 5.150(a).

As critical stakeholders in the real estate industry, you have a responsibility to make your members and colleagues aware of the proper scope of the Fair Housing Act's prohibition on steering practices. The Department strongly urges industry to revisit ethics training materials and reconsider public statements that stifle real estate agent speech related to nonracial neighborhood characteristics of vital importance to Americans deciding on where to live and raise their families.

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