



OFFICE OF GENERAL COUNSEL

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0500

MEMORANDUM FOR: John Gibbs, Performing the Delegable Duties of the Principal Deputy Assistant Secretary for Fair Housing and Equal Opportunity

FROM: David Woll, General Counsel

David Woll 9/25/2025

SUBJECT: Fair Housing Guidance Memoranda and Documents

In accordance with changes to case law, recent Executive Orders, and agency priorities, the following guidance memoranda and other documents no longer express the official legal opinion and/or official policies and procedures of the Office of General Counsel:

- “Memorandum of Understanding Between DOJ and HUD Concerning Enforcement of the Fair Housing Act, As Amended by the Fair Housing Amendments Act of 1988” (December 7, 1990)
- “Referrals of Pattern or Practice Fair Housing Cases to the Department of Justice” (December 12, 2011)
- “OGC Guidance Application of Fair Housing Act Standards to Use of Criminal Records” (April 4, 2016)
- “OGC Guidance FH Act Protections for LEP Persons” (September 15, 2016)
- “Joint Statement HUD – DOJ, State, and Local Land Use Laws and Practices and the FH Act” (November 10, 2016)
- Memorandum on “Elements of Proof,” Office of General Counsel, (originally issued Aug. 11, 2014 and reissued on September 4, 2018) – only as pertaining to the “redlining and reverse redlining” sections, pp. 9-10. Other than the “redlining and reverse redlining” section, this memorandum remains in effect.
- “Application to the Fair Housing Act of the Supreme Court’s decision in *Bostock v. Clayton County, GA*” (February 9, 2021)
- “Office of General Counsel Guidance on the Fair Housing Act’s Treatment of Certain Special Purpose Credit Programs That Are Designed and Implemented in Compliance with the Equal Credit Opportunity Act and Regulation B” (December 6, 2021)
- “Appraisal Elements of Proof” (May 6, 2022)
- “Limiting PHA and Owner Discretion in Admitting and Evicting Tenants in Federally Assisted Housing” (March 27, 2023)
- “Final Legal Determinations for Implementation of the Violence Against Women Act” (October 11, 2023)
- “Whether the ‘Mrs. Murphy exemption’ (42 U.S.C. 3603(b)(2)) applies to dwelling solely owned by LLC’s or other business entities” (July 10, 2024)

- “Application of Fair Housing and Civil Rights Laws to Source of Income Restrictions”
(November 4, 2024)

Updated guidance related to fair housing matters from the Office of General Counsel will be issued at the appropriate time.

Cc: Kevin Cooke, General Deputy Assistant Secretary for Fair Housing and Equal Opportunity

Jeanine Worden, Associate General Counsel for Fair Housing

Regional Counsel

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