




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

May 25, 2023

MEMORANDUM FOR: Fair Housing Initiatives Program Grantees  
Fair Housing Assistance Program Agencies

CC: Office of Fair Housing and Equal Opportunity 

FROM: Demetria L. McCain, Principal Deputy Assistant Secretary of the  
Office of Fair Housing and Equal Opportunity at the Department  
of Housing and Urban Development

SUBJECT: Ensuring Fair Housing Amidst Ongoing Religious Discrimination  
in the United States

In the early twentieth-century, restrictive covenants were drafted to exclude members of the “Jewish or Hebrew race, or their descendants” from moving into certain neighborhoods. This blatant discrimination against the Jewish community and the segregation it caused were shameful. President Biden has made clear that antisemitism, Islamophobia and related forms of bias and discrimination have no place in America.<sup>1</sup> In December 2022, the Biden-Harris Administration launched a coordinated effort with over twenty federal agencies to counter antisemitism, Islamophobia, and related forms of bias and discrimination within the United States.

The Office of Fair Housing and Equal Opportunity (FHEO) and our fair housing partners, including you, understand the importance of raising awareness about discrimination and threats posed to protected class groups. Incidents such as the 2018 attack on the Pittsburgh Tree of Life synagogue,<sup>2</sup> the prevalence of antisemitic flyers on residents’ properties from Los Angeles<sup>3</sup> to the suburbs of Atlanta,<sup>4</sup> and the proliferation of antisemitism online, have made it clear that the Jewish community faces acts of hate and antisemitism at increasing rates.

Federal law prohibits discrimination based on race, religion and national origin. However, lawsuits and news stories highlight the persistence of antisemitic discrimination in housing. In 2018, the town of Chester, New York implemented a set of discriminatory housing practices designed to prevent members of the Jewish community from moving to Chester. After

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<sup>1</sup> See Statement from White Housing Press Secretary Karine Jean-Pierre on Interagency Group to Counter Antisemitism. Dec. 12, 2022. available at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/12/12/statement-from-white-house-press-secretary-karine-jean-pierre-on-inter-agency-group-to-counter-antisemitism/>

<sup>2</sup> See Campbell Robertson, et al., *Quiet Day at a Pittsburgh Synagogue Became a Battle to Survive*, N.Y. Times, Oct. 28, 2018, available at <https://www.nytimes.com/2018/10/28/us/pittsburgh-synagogue-shooting.html>.

<sup>3</sup> See Nathan Solis, *Antisemitic fliers distributed at San Marino, Pasadena homes at the start of Yom Kippur*, L.A. Times, Oct. 6, 2022 available at <https://www.latimes.com/california/story/2022-10-06/antisemitic-fliers-los-angeles-yom-kippur-jewish-holiday>

<sup>4</sup> See Dan Rosenzweig-Ziff, *‘People are afraid’: Antisemitic fliers found in Atlanta suburbs*, Wash. Post., Feb. 5, 2023 available at <https://www.washingtonpost.com/nation/2023/02/05/antisemitism-flyers-atlanta-jewish-hate/>.

the New York Attorney General [sued](#), the town agreed to both change their zoning practices and enhance fair housing training and compliance procedures. A more recent suit, also in New York State, [alleges](#) that the Town Board of Crawford, New York, violated the Fair Housing Act after denying a zoning change when residents raised objections based on antisemitic sentiment against Orthodox Jews, specifically Hasidic families. And last year, the Department of Justice reached a settlement in a lawsuit against [Jackson Township, New Jersey](#), in response to the growth of the Orthodox Jewish community in the area, a city council enacted two ordinances that banned dormitories and severely restricted where religious schools could locate.

The Fair Housing Act protects persons of all religions. Fair housing violations on the basis of religion might include but are not limited to:

- refusing to rent to women who wear hijabs;
- harassing tenants because of their religious practices or dress; allowing some tenants to put up Christmas lights, but telling others they cannot put up decorations for their non-Christian holidays;
- telling tenant applicants they will not like a neighborhood because there is no synagogue, mosque, or church nearby;
- or prohibiting use of a community room for religious purposes, while allowing tenants to use them for secular gatherings.

As we commemorate the fifty-fifth anniversary of the Fair Housing Act this year, let us endeavor to educate the public, including young adults who are just beginning to engage the housing market, about the Act's protections and responsibilities. Additionally, we must ensure that fair housing counseling and investigative and enforcement measures are made available to those who may be harmed. Housing discrimination based on the fact a person is part of a religious community cannot be tolerated.

FHEO's three-part mission shows us the way. We must strive to eliminate housing discrimination, promote economic opportunity and achieve diverse inclusive communities. With your help in countering antisemitism and promoting equal opportunity in housing, we will be able build a more inclusive nation.