

August 27, 2025

The Honorable Elizabeth Warren
Ranking Member
Committee on Banking, Housing, and Urban Affairs
United States Senate

Dear Senator Warren,

On March 17, 2025, you wrote to HUD Secretary Scott Turner, outlining grave concerns with his undermining of the Department's capacity to enforce fair housing and civil rights laws. Your concerns were justified. The undersigned four civil rights attorneys in HUD's Office of Fair Housing ("OFH") within the Office of General Counsel, provide this whistleblowing report to empower you to take appropriate oversight action. The undersigned attorneys are acting on our legal, ethical, and professional duty to disclose this information, which we reasonably believe evidences serious violations of law by certain political and career leadership in the Department.

I. Role of the Office of Fair Housing

The Office of Fair Housing is composed of dedicated, non-partisan civil servants with advanced civil rights law expertise. OFH serves as counsel to its client office, HUD's Office of Fair Housing and Equal Opportunity ("FHEO"). FHEO, among other things, investigates claims of housing discrimination brought by the public. OFH charges and litigates discrimination complaints where there is "reasonable cause" to believe that discrimination occurred. OFH's work effectuates HUD's stated mission to eliminate housing discrimination and give every American a fair shot at the American dream. OFH has investigated and vindicated the claims of countless individuals, families, and communities who have been victims of discrimination in violation of civil rights laws.¹

OFH also serves as civil rights counsel to all of HUD, and is responsible for ensuring that federal housing, community development, and disaster recovery programs do not discriminate. This is a function that HUD's first Secretary, Robert Weaver, recognized as critical following decades of federal housing policies designed to entrench segregation.² Since that time, HUD has been on a long arc towards housing justice, reforming its programs and policies through the internal

¹ OFH enforces the Fair Housing Act, Title VI of the Civil Rights Act ("Title VI"), Sections 504 and 508 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, Section 109 of the Housing and Community Development Act of 1974, the Architectural Barriers Act of 1968, Title IX of the Education Amendments Act of 1972, the Age Discrimination Act of 1975, and the Violence Against Women Act ("VAWA").

² [*A 'Forgotten History' Of How The U.S. Government Segregated America*](#), NPR (May 3, 2017).

work of civil rights attorneys and responses to lawsuits challenging the Department and its recipients of grants and contracts.³

Unfortunately, recent actions by HUD's political and career leadership have placed the Department on an unalterable course towards violating its statutory and regulatory obligations to safeguard the equal distribution of federal funds, to combat housing discrimination in the public and private sectors, and to protect the lives of countless survivors of domestic violence. In fact, the undersigned attorneys believe that HUD leadership has already violated the law.

In this letter, the undersigned exercise our statutory right to make these disclosures to Congress. Our disclosures detail violations of Federal laws and regulations, gross mismanagement, waste of taxpayer funds, and substantial and specific dangers to public health and safety.

II. Civil Rights Obligations of HUD Established by Statute and Regulation That HUD Is Now Abandoning

In 1968, recognizing that unequal access to housing was a central cause of the unrest after the assassination of the Reverend Martin Luther King Jr., Congress declared that it is the policy of the United States to provide for fair housing in America.⁴ Congress ordered HUD to study housing discrimination and disseminate reports to Congress, issue policies to eliminate housing discrimination, and administer its programs to affirmatively further fair housing in America.⁵ To do so, HUD *must* investigate *all* complaints of discrimination. HUD *must* develop facts sufficient to allow the General Counsel⁶ to determine whether reasonable cause exists to believe that discrimination has occurred or is about to occur. To obtain these facts, the General Counsel *must* review any necessary subpoenas.⁷ HUD *must* also attempt to resolve complaints through conciliation prior to filing a charge.⁸ And when HUD has reasonable cause to believe that housing discrimination has occurred or is about to occur, it *must immediately issue a charge* of discrimination on behalf of the aggrieved person which is, in turn, heard by an administrative law judge, unless either party elects to proceed in federal district court.⁹ If either party makes this election, HUD *must* refer the case to the Department of Justice ("DOJ") for prosecution. If neither

³ See e.g., *Shannon v. HUD* (1970) (Court of Appeals calls on HUD to assess the racial and socioeconomic impact of the location of future developments, resulting in HUD publishing Site and Neighborhood Standards); *Otero v. New York City Housing Authority* (1973) (in suit against NYCHA and HUD, challenging a neighborhood preference for replacement housing in an urban renewal area, Court of Appeals extends AFFH obligation to state and local HUD grantees); *Young v. Pierce* (1985) (A U.S. District Court in Texas holds HUD liable for maintaining a system of segregated public housing in East Texas and orders HUD to undertake remedial efforts).

⁴ 42 U.S.C. § 3601; 34 U.S.C. § 12495(d).

⁵ 42 U.S.C. § 3608; 34 U.S.C. § 12495(d).

⁶ 24 CFR § 103.200.

⁷ 24 CFR § 103.215.

⁸ 42 U.S.C. § 3610; 34 U.S.C. § 12495(d).

⁹ 42 U.S.C. § 3610(g); 34 U.S.C. § 12495(d).

party makes this election, HUD *must* provide an opportunity for a hearing before an ALJ within 120 days.¹⁰ HUD counsel *must*, and is the *only* entity that can, represent both the interests of the complainant and the public in that hearing.¹¹ Additionally, HUD has the same obligations towards survivors of domestic violence who have been discriminated against in violation of the Violence Against Women Act (“VAWA”).¹²

HUD *must* also provide Congressionally designated funds to local, private nonprofit fair housing organizations to build their capacity in education, investigation, and enforcement of fair housing.¹³ Further, HUD *must* enforce the provisions of the Fair Housing Act against any public housing agency that retaliates against, intimidates, or coerces residents or those that assist them in protecting their rights.¹⁴

Additionally, Title VI of the Civil Rights Act forbids all recipients of HUD funding from excluding people from participating, or otherwise discriminating against them in federally assisted programs based on race, color, and national origin.¹⁵ HUD *must* require assurances that recipients will comply with this obligation and HUD *must* routinely review the practices of recipients to ensure compliance.¹⁶ Additionally, HUD is *required* to *promptly* investigate and resolve any complaints by bringing recipients into voluntary compliance or initiating procedures to terminate funds.¹⁷ If a complaint cannot be resolved voluntarily, HUD *must* issue a letter finding either compliance or noncompliance with civil rights obligations within 180 days.¹⁸ Exercising its Presidentially-mandated obligation¹⁹ to coordinate enforcement of Title VI across the federal government, DOJ requires HUD to assign “sufficient staff” to its Title VI compliance program “to ensure effective enforcement of Title VI.”²⁰ HUD’s additional compliance authorities adopt the same rights, mandates on HUD, and processes to protect people from discrimination by recipients of federal funding based on disability,²¹ age,²² sex,²³ and religion.²⁴

¹⁰ The 120 day requirement can be extended if impracticable. 42 U.S.C. § 3612(b).

¹¹ 42 U.S.C. § 3612(g); [Learn About FHEO’s Process to Report and Investigate Housing Discrimination | HUD.gov.](#)

¹² 34 U.S.C. § 12495(d).

¹³ 42 U.S.C. § 3616a.

¹⁴ 34 U.S.C. § 12494(c).

¹⁵ 42 U.S.C. § 2000d.

¹⁶ 24 CFR § 1.5(a); 24 CFR § 1.7(a).

¹⁷ 24 CFR § 1.7; 24 CFR § 1.8; 28 CFR § 50.3(b); 24 CFR § 8.56(b).

¹⁸ 24 CFR § 8.56(g).

¹⁹ Executive Order 12250, [Leadership and Coordination of Nondiscrimination Laws](#) (1980).

²⁰ 28 CFR § 42.414.

²¹ Sections 504 and 508 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 794a(a) and 794d(a) (“The remedies, procedures, and rights set forth in Title VI...shall be available to any person aggrieved by any act or failure to act by any recipient”); Title II of the American with Disabilities Act, 42 U.S.C. § 12133; Architectural Barriers Act of 1968, 42 U.S.C. § 4151.

²² Age Discrimination Act of 1975, 42 U.S.C. § 6103.

²³ Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. § 5309(b); Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1682.

²⁴ *Id.*

These are just some of the statutory civil rights obligations Congress has charged HUD with carrying out. Based on HUD leadership's past actions and what they have indicated will be their future direction, the undersigned attorneys believe HUD is already failing, and will continue to fail, to meet all of these statutory obligations.²⁵

III. HUD's Recent Actions to Dismantle the Office of Fair Housing Will Prevent HUD From Fulfilling Its Legal Obligations.

Management-Directed Reassignments of Office of Fair Housing Staff

Under Secretary Turner's watch, FHEO has been decimated by illegal firings of probationary employees and mass resignations under constant threat of imminent large-scale reductions in force ("RIFs") to achieve a total 77 percent cut.²⁶ Now, the Department has put into action a plan to remove the overwhelming majority of attorneys executing the *statutorily mandated* duties of the Office of Fair Housing. As explained below, if HUD succeeds in dismantling OFH, the Agency *will* violate Congressional directives.

Before the presidential transition, there were thirty-one staff members in OFH. As a result of the same illegal firings and resignations under threat of RIFs, OFH was reduced to twenty-four staff. OFH attorneys who remained were told that fair housing was "not a priority" of the administration, that less civil rights work would be performed under this administration, and that there was an "optics problem" with our division being as large as it was. OFH attorneys were told that if they did not "volunteer" to move to other parts of OGC, they would be involuntarily reassigned by management. Subsequently, we, the undersigned, learned that thirteen attorneys were scheduled to be imminently reassigned, leaving eleven staff, and only six line attorneys, to perform OFH's statutorily mandated functions nationwide. This represents nearly a 70 percent cut of fair housing attorney staff from January 2025. Several OFH staff and managers, along with FHEO leadership, informed management that these staff cuts would render HUD unable to fulfill its statutorily mandated functions.²⁷ One of these supervisors was suspended and then fired for their internal advocacy to retain a fully staffed OFH.

²⁵ See e.g. *Victim Rts. L. Ctr. v. United States Dep't of Educ.*, 2025 WL 1704311, at *15 (D. Mass. June 18, 2025) (Granting injunction to block 50 percent reduction of staff because reduction would leave civil rights office with insufficient capacity to respond to or prosecute complaints).

²⁶ Sally Ho, Jesse Bedayn, [Leaked documents show which of the thousands of HUD workers may be cut across programs](#), AP (Feb. 21, 2025). Cuts would drop FHEO staff to below previous Trump Administration levels, when HUD's OIG found that inadequate staffing was causing HUD to fail to investigate complaints in a timely manner. See [Audit Report 2024-BO-0005, FHEO Faces Challenges Completing Investigations Within 100 Days](#) (Sept. 24, 2024).

²⁷ See e.g. *Victim Rts. L. Ctr. v. United States Dep't of Educ.*, 2025 WL 1704311, at *15 (D. Mass. June 18, 2025) ("Defendants have not meaningfully responded to the 'chorus of current and former [Office of Civil Rights] employees—including the former Assistant Secretary for Civil Rights and the Chief Attorney of the Dallas OCR Office' who attested that 'it will be impossible for OCR to fulfill those legal obligations with only half its staff.'").

In particular, the undersigned attorneys believe that HUD's efforts to eliminate more than two-thirds of its OFH staff will cause the Agency to violate its duty to: affirmatively further fair housing; investigate, charge, voluntarily resolve, and prosecute complaints of discrimination; administer grants to fair housing organizations across the U.S.; ensure recipient and public housing agency compliance with nondiscrimination requirements; and sufficiently staff the Department to allow it to comply with these statutory civil rights requirements. By removing nearly every attorney and both supervisors that work on enforcing and providing guidance on VAWA, the undersigned attorneys believe that these reassignments will render HUD unable to effectively meet its statutory obligations²⁸ to protect survivors of domestic violence.

These reassignments violate federal laws because they were taken out of animus towards OFH attorneys and the work OFH attorneys perform. Additionally, they are a result of the Department's desire to circumvent federal laws and stymie any efforts to properly oversee federal funds, combat discrimination, and protect survivors of domestic violence. These reassignments are also merely the latest in a series of illegal actions that have undermined the ability of OFH to undertake its statutorily required activities.

Illegal Rescission of Referrals to the Department of Justice and Withdrawal of Fair Housing Act Charges

Despite HUD's unambiguous statutory obligation to charge and prosecute complaints where reasonable cause exists to believe discrimination occurred,²⁹ HUD recently violated that obligation by withdrawing multiple charges without any legal authority. In January, FHEO found reasonable cause to believe that a large Homeowner's Association ("HOA") in Texas had discriminated against black renters in the community. Consistent with its statutory obligation, OFH filed a charge of discrimination, which was referred to DOJ for filing in federal district court. The complainants had been subjected to racial slurs from HOA members, threats of physical violence, and the presence of a neo-Nazi organization in their community. In February, the administration unilaterally withdrew the referral of the charge, despite lacking statutory authorization to do so, and after having been advised by OFH attorneys that withdrawing the referral of the charge would be a violation of the Fair Housing Act. Since then, the administration has withdrawn at least two additional charges of discrimination and four letters finding noncompliance with civil rights laws, again in violation of the Fair Housing Act and other civil rights authorities. Other cases have seen political appointees with no legal training or expertise contradict the findings of career staff who

²⁸ 34 U.S.C. §12495(d).

²⁹ "If the Secretary determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary *shall...immediately issue a charge* on behalf of the aggrieved person..." 42 U.S.C. § 3610(g)(2)(A).

have been investigating them for years—effectively circumventing HUD’s statutory obligation to prosecute and charge complaints.³⁰

Fair Housing Attorneys Remain Under an Unprecedented Gag Order

Starting January 23, 2025, and continuing for the last seven months, political leadership has subjected OFH to a strict gag order³¹ that limits the ability of civil rights work to proceed. This order forbids OFH attorney communication with external parties, including DOJ and other governmental agencies, and the parties in civil rights complaints, without express approval from political leadership. This approval is rarely granted. The gag order has led to substantial delays in the processing of cases and settlements and, in some cases, has led to the process completely stalling out, denying justice for many who filed complaints. Additionally, as FHEO’s counsel, OFH has a key role in statutorily mandated conciliation prior to issuing a charge against any respondent. By blocking OFH from explaining potential legal risks to respondents, HUD is short-circuiting this mandatory step. This policy causes disputes that could have been resolved amicably to cost the agency, respondents, complainants, and the public unnecessary time and money. This means that discriminators are not held accountable and complainants are not compensated for harms they experienced.

Moreover, OFH supervisors must request political approval for staff to perform basic legal activities, and requests have lingered for months without action. On more than one occasion, this approval process put the Department at imminent risk of failing to meet court deadlines, which would have permanently impaired the rights of people who trusted us to enforce their civil rights. In contrast, other offices inside and outside of OGC have not been subject to limits on communication so severe that they interfere with communications necessary to perform their required duties. This policy directly violates HUD’s statutory duty to promptly investigate, conciliate, and prosecute complaints of discrimination.

Unlawful Political Tampering with Civil Rights Settlements

³⁰ Jesse Coburn, [Federal Investigators Were Preparing Two Texas Housing Discrimination Cases — Until Trump Took Over](#), ProPublica (Mar. 25, 2025); Jesse Coburn, [Trump Administration Prepares to Drop Seven Major Housing Discrimination Cases](#), ProPublica (July 18, 2025). 24 CFR § 103.400 requires a factual basis for a determination that there is no reasonable cause to believe a discriminatory housing practice occurred. Bedrock principles of administrative law establish that unexplained changes in agency factfinding, such as unsupported revocations of determinations of reasonable cause, are arbitrary and capricious and thus illegal. *See e.g. Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (Agency must examine relevant data and articulate a rational connection between the facts found and the choice made).

³¹ This order was only communicated to OFH verbally—from political leadership, through OGC Operations, down to OFH supervisors. Our supervisors have consistently sought clarity regarding the gag order and why it is in place, explaining that it severely hinders our work, and makes it impossible for us to abide by our duty to zealously represent the Department. OFH has received no clarification even as the gag order remains in place.

All settlements, even urgent or uncontroversial ones, must now seek political approval, and political appointees abuse their authority to unilaterally change terms that have already been agreed to by both parties, reject compensation funds for people harmed by discrimination, and to illegally withdraw existing settlements that parties agreed to years ago.³² Under the Fair Housing Act and VAWA, HUD must attempt to resolve investigations through voluntary conciliation (settlement).³³ The purpose of a conciliation agreement is to protect the interests of the aggrieved person, other persons similarly situated, and the public.³⁴ Within these bounds, the conciliation process gives the parties some autonomy over the resolution and serves as a deterrent against future violations of the law by others. These resolutions are agreements between respondents and complainants, and while they are not final until approved by HUD, each party's opportunity to resolve the matter voluntarily is statutorily protected.³⁵

Where conciliation is not successful and a charge of discrimination is filed with the Office of Administrative Law Judges ("ALJs"), any resolution of the charge prior to issuance of a final order requires the consent of the aggrieved person on whose behalf the charge was brought. The terms of the statute explicitly protect the engagement of the parties, and the complainant in particular, in any resolution. HUD unilaterally changing terms or canceling fully executed agreements violates the parties' rights, undermines HUD's responsibility to protect the public interest, weakens the public deterrence afforded by resolving matters through public conciliation agreements, fails to follow the statutory scheme, and undermines the public's trust in the legal process.

Statutory Violations Caused by Halting the Work of Fair Housing Grantees Throughout the Country

In 1988, Congress created the Fair Housing Initiatives Program ("FHIP"), recognizing that achieving HUD's fair housing obligations required support from a network of partners investigating complaints and assisting victims of discrimination in vindicating their rights, as well as educating the public about fair housing laws. The FHIP Statute expressly *mandates* that HUD distribute all annual Congressionally appropriated funds through three types of FHIP grants: fair housing enforcement, capacity building of fair housing organizations, and education and outreach.³⁶ FHIP organizations cannot survive without FHIP funding and fair housing enforcement

³² Brett Chase, [Trump administration to dismiss environmental racism, housing discrimination cases in Chicago](#) Chicago Sun Times (July 18, 2025); Jesse Coburn, [Trump Administration Prepares to Drop Seven Major Housing Discrimination Cases](#), ProPublica (July 18, 2025).

³³ 42 U.S.C. § 3610(b)(1).

³⁴ 24 CFR § 103.310.

³⁵ 42 U.S.C. § 3610(b)(2).

³⁶ "[HUD] shall use funds made available under [FHIP] through contracts with private nonprofit fair housing enforcement organizations," to investigate complaints and enforce fair housing laws. 42 U.S.C. § 3616a(b)(1) (emphasis added). "[HUD] shall use funds made available under [FHIP]" to provide grants to organizations "to build their capacity to provide fair housing enforcement." *Id.* at (c)(1); (c)(2) (emphasis added). "[HUD] shall

cannot survive without FHIPs.³⁷ These 111 nonprofit organizations—including Disability Rights Texas, Greenville County Human Relations Commission, and Legal Aid of Arkansas—are “a necessary component of the fair housing enforcement system”,³⁸ especially as the investigatory and enforcement capacity within HUD is eliminated. Actions taken since January represent a systemic targeting of that entire ecosystem, further decimating the capacity of both government and civil society to discover and investigate housing discrimination.

Political leadership and DOGE have taken numerous actions that threaten the financial survival and stability of fair housing and legal aid organizations, some leading to lawsuits alleging violations of the FHIP Statute and other laws. In some cases, grants were unlawfully terminated.³⁹ In other cases, these actions risked the expiration of lawfully appropriated funds, including by rescinding FY24 grant notices and holding up re-negotiations of multi-year grants.⁴⁰

Statutory Violations Caused by Cutting Off OFH From its Role Advising FHEO and Department Programs on Implementing Civil Rights Laws

The President has issued several sweeping and vague anti-DEI executive orders (“EOs”) that implicate civil rights laws in complex and unprecedented ways.⁴¹ The effect has been an upheaval in the enforcement of well settled civil rights law. Several civil rights statutes direct HUD, in particular FHEO, to implement these EOs, subject to existing civil rights laws and require

establish a national education and outreach program...to conduct education and outreach [to] prevent or eliminate discriminatory housing practices;” “*shall* establish or support education and outreach programs at the regional and local levels;” and “*shall* provide funding to...community-based education and outreach activities.” *Id.* at (d)(1); (d)(2)–(3) (emphasis added).

³⁷ Kenneth Temkin, Tracy McCracken, Veralee Liban, *Study of the Fair Housing Initiatives Program* (2011) (finding that FHIP funding provided 64%, on average, of grantees’ fair housing enforcement budgets).

³⁸ Pub. L. 102-550, § 905(a)(9), 106 Stat. 3672, 3869 (recognizing “the proven efficacy of private nonprofit fair housing enforcement organizations and community-based efforts”).

³⁹ *Massachusetts Fair Housing Center v. Department of Housing and Urban Development* (3:25-cv-30041).

⁴⁰ *National Fair Housing Alliance v. HUD*, 1:25-cv-01965, (D.D.C.) (TRO Issued July 28).

⁴¹ EO 14148, *Initial Recissions of Harmful Executive Orders and Actions* (Jan. 20, 2025) (revoking prior federal policies to advance racial equity and prevent discrimination based on gender identity and sexual orientation); EO 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing* (Jan. 20, 2025) (asserting, without legal basis, that DEI programs and activities constitute illegal discrimination; and directing agencies to terminate “all ‘diversity, equity, inclusion, and accessibility’ (DEIA) mandates, policies, programs, preferences, and activities...and all other ‘equity-related’ grants”); EO 14168, *Defending Women From Gender Ideology Extremism And Restoring Biological Truth To The Federal Government* (Jan. 20, 2025) (ordering Federal agencies to enforce laws governing sex-based rights and accommodations according to “an individual’s immutable biological classification as either male or female”; remove policy issuances that promote “gender ideology”; and cease funding of “gender ideology”); EO 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 31, 2025) (rescinding environmental justice policies; and directing OMB to “terminate all ‘diversity,’ ‘equity,’ ‘equitable decision-making,’ ‘equitable deployment of financial and technical assistance,’ ‘advancing equity,’ and like mandates, requirements, programs, or activities”); EO 14224, *Designating English as the Official Language of the United States* (Mar. 1, 2025) (rescinding policies requiring the Federal government to improve access to services for persons with limited english proficiency); EO 14281, *Restoring Equality of Opportunity and Meritocracy* (Apr. 23, 2025) (directing agencies to “deprioritize the enforcement of all statutes and regulations [that] include disparate-impact liability”; and directing DOJ to coordinate repeal and amend Title VI disparate-impact regulations).

HUD to issue guidance on how to comply with these laws.⁴² OFH advises FHEO, other HUD offices, and in effect, grantees, on how to comply. Instead of allowing OFH to issue guidance to other parts of HUD and to recipients, political leadership stifled discussions between FHEO and OFH on implementation of these EOs and encouraged HUD program offices to proceed without counsel and rely on EOs to negate decades old civil rights laws.

OMB, DOGE, and HUD political leadership took calculated steps to ensure agencies interpreted these EOs as broadly as possible to capture work perceived as adjacent to DEI.⁴³ OMB issued hurried orders, directing agencies to cancel all DEI contracts and remove any DEI related guidance by the next day and submit plans to implement all anti-DEI EOs by the day following that. Neither OMB nor HUD provided any guidance distinguishing between DEI policy initiatives and core civil rights obligations.⁴⁴ Agency staff received these directives alongside an all-staff email drafted by OMB threatening reprisal for staff who failed to report colleagues who might be hiding DEI work.⁴⁵

HUD program colleagues have told the undersigned attorneys that political leadership verbally directed managers not to consult with FHEO or OFH in taking actions that impacted compliance with HUD's civil rights obligations. For example, one program office used a contractor to scan all program guidance, removing anything with a "DEI term" from lists that included words from civil rights statutes.⁴⁶ That program also terminated many awards, "as directed by [DOGE], on the basis that [the grantees and contractors] operations and performance with the subject awards is not in compliance with the [Ending Wasteful DEI Programs EO], which was determined based on a DOGE review of their websites and LinkedIn profiles."

Likewise in the fair housing and civil rights enforcement context, a combination of leadership-instilled fear, diminished investigative offices, and OFH being cut out of implementation of anti-DEI EOs, has led non-lawyer FHEO staff to misinterpret EOs to eliminate legal protections and rights. Leadership has created an environment in which FHEO has been forced to inconsistently and unlawfully reject complaints; abandon investigations; and prematurely dismiss cases involving sexual orientation, gender identity, perceived relationship to

⁴² See e.g. 42 U.S.C. § 2000d-1; 28 CFR 42.407(a).

⁴³ Leslie Shapiro, [An Annotated Guide to DOGE's Playbook for Eliminating DEI](#), Washington Post (Feb. 15, 2025).

⁴⁴ [Initial Guidance Regarding DEIA Executive Orders](#), OMB Memorandum (Jan. 21, 2025). Over two weeks later, after guidance was stripped, OMB finally clarified that agencies should not eliminate offices statutorily required to accept civil rights complaints, but remained silent on policy implementation. [Further Guidance Regarding Ending DEIA Offices, Programs and Initiatives](#), OMB Memorandum (Feb. 5, 2025).

⁴⁵ Kayla Epstein & Brajesh Upadhyay, [US Government Workers Told to Report DEI Efforts or face 'Consequences'](#), BBC News (Jan. 23, 2025).

⁴⁶ A January 24 email to program staff states that HUD would automatically archive all content with terms with an "explicit relationship to the EOs" (including, diverse, equity, inclusive, Gender identity, environmental justice). And content with terms "with conceptual relationship to the EOs" (including racial, marginalized, underserved, affirmatively, systemic, adversely, accessible, accessibility, and disparate) would be flagged for review by DOGE and program staff (who are not versed in fair housing and civil rights laws).

environmental justice, and discriminatory effects liability.⁴⁷ It has also prohibited investigators from communicating with parties in languages other than English. These actions violate HUD's duty to fully investigate and prosecute those complaints and deny people access to justice.

IV. Dismantling OFH's Internal Compliance Role Has Likely Violated the Law by Subsidizing Discrimination.

HUD's civil rights compliance laws, along with individual program regulations, require program offices to consult with FHEO and OFH in both developing program policies and monitoring for civil rights compliance in HUD programs.⁴⁸ Political leadership circumvented this required legal review for civil rights compliance to issue policies that conflict with civil rights laws. Political leadership also cut off OFH and FHEO from advising program offices on their obligations to comply with civil rights requirements.

For example, each year, agencies develop an internal Notice of Funding Opportunity ("NOFO") template that describes agency-wide policies and legal requirements for all discretionary grant programs.⁴⁹ For programs created by appropriations without regulations, the NOFO is the highest authority on program rules after the appropriations text. The NOFO Template and individual NOFOs are a critical mechanism for HUD to effectuate its Title VI obligations to disseminate civil rights information and determine compliance of recipients.⁵⁰ Therefore, after OFH reviews the Template in Clearance for legal sufficiency, OFH and FHEO also review each individual program's NOFO.

Although new administrations typically enact policies through revisions to future NOFO Templates, this administration took the unprecedented step of clawing back the FY2024 NOFO Template used to grant FY2024 funds, and rescinded all grants not already obligated.⁵¹ OFH was not consulted in drafting revisions, nor allowed to review the NOFO Template in Clearance. Revisions included weakening the longstanding statutory requirement that disqualifies applicants

⁴⁷ See, e.g., Jesse Coburn, [How the Trump Administration Is Weakening the Enforcement of Fair Housing Laws](#), *ProPublica* (May 15, 2025).

⁴⁸ 42 U.S.C. 2000d-1; 24 CFR § 1.7(a). OFH attorneys advise program offices on how crosscutting civil rights laws apply in the distinct contexts of each program—drafting and reviewing policy issuances and assisting with statutorily mandated oversight of recipients of federal financial assistance.

⁴⁹ Official documents outlining the purpose, eligibility, program requirements, application components, and review criteria for discretionary grants and cooperative agreements.

⁵⁰ Title VI requires each agency's civil rights office to administer pre-award review mechanisms and make determinations as to whether an applicant is in compliance with nondiscrimination laws. 24 CFR § 42.407(b); 28 CFR § 50.3.

⁵¹ On January 24, OFH attorneys were told by the Grants Management Office that leadership paused all grants that had not already obligated funds and removed any published NOFOs, following OMB memorandum, *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* (July 27, 2025) (requiring agencies to pause all fund disbursement and obligation and analyze programs for consistency with the President's EOs).

with unresolved civil rights matters. The change ignores Title VI rules and subjects HUD and its recipients to serious risk of illegally subsidizing discrimination.

V. Political Animus and Retaliation Against OFH Attorneys for Protecting Civil Rights.

The undersigned OFH attorneys reasonably believe the Department's actions, including the reassignment of OFH attorneys, are driven by unlawful⁵² political animus and retaliation for performing civil rights work. OFH attorneys have been treated differently than similarly situated attorneys in OGC. Unlike attorneys in other parts of OGC, our ability to provide effective counsel to our client office has been significantly curtailed by the gag order prohibiting us from communicating with outside parties and by management decisions to exclude us from legal review of important fair housing matters. Additionally, multiple HUD staff were directed verbally through their managers not to seek assistance from or consult with FHEO or OFH.

Further, at every opportunity, HUD has proceeded with the least efficient and cost-effective course of action, instead selecting the path most likely to drive out the attorneys who persisted at the Department to continue to enforce civil rights. An internal memorandum assessed the impacts of probationary terminations and coerced resignation programs.⁵³ Analysis concluded that the departures of 34 percent of the OGC Headquarters staff and 43 percent of the OGC Regional staff would lead to rampant fraud, waste, and abuse of taxpayer dollars and that irreplaceable institutional knowledge, including knowledge of VAWA, had already been lost.

HUD's solution to this self-imposed OGC-wide problem was to prioritize staffing the Ethics, Personnel, and defensive litigation offices by removing Fair Housing attorneys from their statutorily required functions and reassigning them to those offices to perform functions that are not statutorily required. HUD took this action despite management's recognition that regional litigating offices already engage in ethics reviews, personnel law, and defensive litigation. OFH attorneys, by contrast, have little to no experience in these areas and will require substantial training to match expertise possessed by HUD regional attorneys. HUD further limited the pool of attorneys available to fill these needs by declining to advertise the positions to other HUD attorneys who may have been interested, and by refusing to allow attorneys in other parts of the country to volunteer for these positions without having to move to Washington, D.C. OGC also chose not to seek an exception to the hiring freeze that other parts of HUD and other agencies did for these purportedly critical needs, nor did it offer the positions to terminated probationary attorneys, or those who had taken the deferred resignation out of fear that they would be terminated. HUD further rejected a detailed work sharing proposal drafted by OFH staff, which would have allowed OFH attorneys to assist with purported needs until the Department was able to hire for those positions. Ultimately, even the pretext of specific and urgent needs in the offices OFH attorneys

⁵² 5 U.S.C. § 2302(b)(1)(E).

⁵³ Kriston Capps, [HUD Staff Cuts Leave Agency Vulnerable to Fraud, Report Warns](#), Bloomberg (June 5, 2025).

are being reassigned to has been discarded as OFH attorneys were told that they could go to almost any other office; they must simply abandon fair housing work.

The undersigned attorneys reasonably believe that such disregard for more efficient and cost-effective action and the legal obligations of the agency evidences an intent to decimate the Office of Fair Housing based on political animus toward OFH attorneys and retaliation for performing civil rights work. The undersigned whistleblowers reasonably believe that HUD has made these decisions because they perceive our office to be partisan and disloyal to the administration. OFH attorneys who have enforced civil rights laws for decades, including under the previous Trump administration, have, continuously, without evidence, been accused of “leaking” information and being “troublemakers.” The undersigned reasonably believe that these accusations are based on perceived political ideology and represent illegal targeting based on political affiliation. Furthermore, the undersigned reasonably believe this targeting is illegal retaliation for alleged disclosures that would be protected by whistleblowing laws.

VI. Impacts of HUD’s Illegal Actions on the American People.

People Harmed by Discrimination Based on Race, Color, Religion, Sex, National Origin, Disability, Age, and Familial Status

FHEO and OGC political nominees testified under oath that there will be sufficient staffing for fair housing. Even before the planned reassignments of OFH attorneys, this was simply not true. OFH’s capacity constraints have only increased as a result of novel interpretations of longstanding civil rights laws asserted in EOs, interruptions to fair housing grants, and the induced exodus of legal counsel in HUD’s regional and field offices. The undersigned attorneys know of many discrimination investigations where every FHEO investigator and regional counsel assigned is gone, FHEO and regional counsel have no one to assign the case to, and since we are not allowed to speak to parties, cases are stalling out, some in the end stages of settlement negotiations. There is a clear and present need for experienced attorneys to handle this workload. The already high caseload burdens will increase exponentially with the removal of so many OFH attorneys and with so few remaining.

The undersigned OFH attorneys reasonably believe this decision will cause HUD to be unable to meet its statutory obligations to investigate complaints of discrimination, charge cases upon determining that reasonable cause exists, and effectuate nondiscrimination in the administration of federal funds.⁵⁴ Loss of this critical enforcement capacity will mean that people denied housing due to their race would receive no remedy; individuals with disabilities who need a reasonable accommodation to independently enjoy their housing will have their request go

⁵⁴ This is a nonexhaustive list of all the statutory and regulatory requirements HUD will be unable to fulfill as a result of this reassignment.

unanswered; and survivors of a natural disaster may never be able to access critical recovery resources due to discriminatory barriers. The undersigned OFH attorneys believe this loss of capacity will leave the Department in direct violation of the laws it is obligated to enforce.

Danger to Survivors of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The impacts on HUD’s VAWA work demonstrate a particularly egregious example of violations of law and actions that create a substantial and specific danger of harm to the public health and safety of survivors. After finding a strong link between domestic violence and homelessness, finding that women and families who survive domestic violence are discriminated against, denied access to, and evicted from federally funded housing because of their status as survivors, and finding that survivors of domestic violence in rural areas face additional barriers,⁵⁵ Congress directed HUD to implement housing protections for survivors of domestic violence, dating violence, sexual assault, and stalking,⁵⁶ and directed agencies to ensure that housing that is federally subsidized and covered by VAWA complies with those protections. Since gaining enforcement authority for VAWA, the Office of Fair Housing has spearheaded these efforts,⁵⁷ protecting and providing justice for countless survivors. OFH’s VAWA attorneys have been instrumental in ensuring that survivors are provided with emergency transfers to safe housing and that they are not retraumatized by being evicted because of an assault. This office contains the *only* subject matter experts in the federal government on enforcement of VAWA’s housing provisions, which have not yet been interpreted by courts to contain a private right of action. This means that the OFH attorneys now being reassigned are the primary defenders of the housing rights of survivors.

To enforce VAWA’s housing protections, HUD expended significant resources building and training FHEO’s nationwide Complex Trauma-Informed branch on the particular challenges in investigating VAWA cases. As a result of HUD’s probationary firings and its coerced resignation program,⁵⁸ this branch no longer exists. FHEO’s remaining investigators have been reassigned dozens of complex open cases that were previously processed by this branch. An internal management memo detailing the consequences of the loss of attorneys from OGC noted that “subject matter expertise and knowledge regarding [VAWA laws and requirements] would be greatly reduced if not lost entirely.” Nevertheless, the Department has started the process of removing 75 percent of the VAWA Team members that remained in OFH, including the two supervisors who directly oversaw that work, with no plan to preserve their knowledge or time for

⁵⁵ 34 U.S.C. § 12471.

⁵⁶ 34 U.S.C. § 12491.

⁵⁷ A [2024 GAO report](#) recommended that HUD revise the VAWA emergency transfer process. OFH attorneys being reassigned were in the course of that revision and would have helped FHEO and HUD programs implement improved policies.

⁵⁸ Plans to reduce FHEO by 77 percent: Sally Ho and Jesse Bedayn, [Trump administration looks to slash HUD workers tackling the housing crisis](#), Associated Press (Feb. 21, 2025).

transition. OGC's decision will leave only two line attorneys to investigate and charge hundreds of VAWA housing cases from across the country in addition to managing countless other cases. These changes will result in VAWA not being adequately enforced, placing survivors in greater danger of suffering additional trauma, physical violence, and even death. As such, the undersigned attorneys reasonably believe that HUD's actions detailed above prevent the Department from complying with its VAWA obligations and create a substantial and specific danger of harm to the public health and safety of survivors.

Conclusion

Our careful analysis leads us to believe that the consequences of HUD's actions—the deliberate undermining of statutory obligations—will result in legal violations, gross mismanagement, gross waste of funds, and present a specific danger to public health and safety. In spite of the harsh rhetoric and treatment of federal civil servants, the undersigned attorneys in the Office of Fair Housing remain committed to pursuing justice on behalf of victims of housing discrimination. The undersigned attorneys stayed because they are dedicated to the mission Congress set out for them: to combat housing discrimination, to ensure that the opportunity to enjoy safe housing is not denied because of race, color, national origin, religion, sex, familial status, age, or disability, and to enforce the rights of survivors of domestic violence to have access to safe, stable, and secure housing. HUD officials have unilaterally decided that such work is not a priority of the Trump administration. However, **the Department's priority to ensure equal access to housing and prevent discriminatory practices is not optional: it has been mandated by Congress for decades.**⁵⁹ If HUD's illegal actions move forward without oversight, the work of protecting these rights for the American people will simply not be done. The undersigned OFH attorneys ask that you urge HUD to maintain and fully staff OFH, eliminate restrictions on the work of FHEO and OFH, and to stop political interference in processes that are Congressionally mandated to be neutral, so that HUD can continue to do its work of eliminating housing discrimination in America.

Sincerely,

1. Paul Osadebe

2. Palmer Heenan

⁵⁹ See e.g. *Nat'l Treasury Emps. Union v. Vought*, 774 F. Supp. 3d 1, 84 (D.D.C. 2025) (The President must propose legislation to repeal CFPA or restructure the agency and allow Congress to weigh the proposal, he violates the law by simply declining to enforce the law.); *Victim Rts. L. Ctr. v. United States Dep't of Educ.*, 2025 WL 1704311, at *8 (D. Mass. June 18, 2025) ("Defendants ignore that former staff within [Office of Civil Rights] have explicitly stated that OCR will no longer be able to complete investigations within a reasonable time due to the RIF"); *Id.* at *15 ("Further, to the extent that the agency believes OCR will meet its statutory functions by simply reducing its caseload by only addressing cases that align with the new administration's policies, that is arbitrary and capricious.")

3. Anonymous OFH Attorney #1
4. Anonymous OFH Attorney #2