



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6571-N-01]

Notification of Withdrawal of Fair Housing and Equal Opportunity Guidance Documents

AGENCY: Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: This notice informs the public that the Office of Fair Housing and Equal Opportunity (FHEO) has withdrawn the guidance documents identified below.

DATES: *Effective date of withdrawal:* September 17, 2025.

FOR FURTHER INFORMATION CONTACT: Trey Tagert, Senior Advisor, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 5100, Washington, D.C. 20410. Telephone number (202) 402-4252 (This is not a toll-free number.) HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with ongoing regulatory reform efforts and in accordance with Executive Order 14192 (“*Unleashing Prosperity Through Deregulation*”)¹ and Executive Order 14219 (“*Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative*”),² HUD is undertaking a comprehensive review of its sub-

¹ 90 FR 9065 (January 31, 2025)

² 90 FR 10583 (February 19, 2025)

regulatory guidance to reduce unnecessary compliance burdens, enhance the effectiveness of guidance documents, and promote principles underlying the rule of law. Equal treatment under the law is a bedrock principle of the United States that guarantees equality of opportunity, not equality of outcome. Historical guidance, policies, and interpretive rules of the Office of Fair Housing and Equal Opportunity inconsistent with this principle are subject to review, revision, and/or rescission.

Agencies often issue statements that, unlike rules promulgated pursuant to legislation, do not carry the force and effect of law. These statements include interpretative rules, which advise the public of an agency's interpretation of the statutes and regulations it administers as well as general statements of policy, which advise the public about an agency's intended use of its discretionary authority. These non-binding guidance documents are a common tool for agencies to advise the public; however, they can sometimes be used by agencies to attempt to bind the regulated public without adequate accountability.

HUD has issued non-binding policy guidance in myriad forms over its history. In some instances, guidance promulgated by the Office of Fair Housing and Equal Opportunity may have adopted interpretations that are inconsistent with the statutory text and purport to impose compliance burdens on regulated parties outside of the strictures of notice-and-comment rulemaking. Even where the guidance might advance a permissible interpretation of the relevant statute or regulation or has afforded the public an opportunity to weigh in, it is the Department's current policy to issue such guidance only when necessary and only when issuance of such guidance would reduce compliance burdens. As such, FHEO has determined to withdraw all existing guidance documents that fail one or more of the following three criteria: (1) the guidance is statutorily prescribed, (2) the interpretation set forth is consistent with the relevant statute or regulation, and/or (3) the guidance decreases compliance burdens.

Additionally, no reliance interests compel retention of the guidance being withdrawn. As a threshold matter, parties understand that guidance is non-binding and does not create

substantive rights. To the extent guidance materials or portions thereof go beyond the relevant statute or regulation, they are unlawful, undermining any purported reliance interest in retaining such guidance. Even where guidance is not *per se* unlawful, this consideration is outweighed by FHEO’s policy that guidance should be withdrawn unless it is necessary and reduces compliance burdens.

II. Guidance Withdrawn

For the reasons set forth above, FHEO is notifying the public that it has withdrawn the guidance documents identified in the table below, effective September 17, 2025. These documents have been removed from active use and should not be relied upon as authoritative. Handbooks and internal training materials referencing these guidance documents are being revised. New internal and external guidance will be issued where necessary and appropriate. All these guidance documents have been removed from the HUD.gov website and should not be relied upon by internal or external parties.

FHEO is continuing to review its need for existing guidance. Guidance that is determined to be necessary will be reissued.

| Title | Date Issued |
|--|-------------------|
| Guidance on Application of the Fair Housing Act to the Advertising of Housing, Credit, and Other Real Estate-Related Transactions through Digital Platforms | April 29, 2024 |
| FHEO 2020-01: Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act | January 28, 2020 |
| FHEO Memorandum on Source of Income Testing Activities under the Fair Housing Assistance Program | February 12, 2024 |
| FHEO Notice 2013-01: Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-funded Programs | April 25, 2013 |
| FHEO Statement on the Fair Housing Act and Special Purpose Credit Programs | December 7, 2021 |
| Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons | January 22, 2007 |
| Implementation of Executive Order 13988 on the Enforcement of the Fair Housing Act | February 11, 2021 |
| Implementation of OGC Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records | June 10, 2022 |

Any actions that do not comply with the text of the Fair Housing Act continue to be subject to enforcement by the Department. HUD encourages parties whose prior conduct may have been violative of the Fair Housing Act, while in conformance with the previous guidance and during the period in which that guidance was in effect, to take immediate actions to address any such potential violation. In cases where an entity meaningfully engages in such responsible conduct, HUD intends to favorably consider such conduct, along with other relevant factors, in considering whether and in what manner to pursue redress for potential violations. HUD retains, without limitation, its discretion and responsibility to evaluate individual cases of potential violations, while taking into account the specific facts and circumstances of any given case. Notwithstanding an enforcement determination by HUD, the Fair Housing Act provides that complainants may file a civil action in an appropriate Federal district court or state court within two years after the occurrence or termination of the alleged discriminatory housing practice. Nothing in this memo affects the rights of parties to seek redress in the proper court.

Craig W. Trainor,

Assistant Secretary for Fair Housing and Equal Opportunity.

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