



National Association of Residential Property Managers

February 11, 2026

Regulations Division  
Office of General Counsel  
U.S. Department of Housing and Urban Development  
451 7th Street SW, Room 10276  
Washington, DC 20410-0500

Re: Comments on “HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard” (Docket No. HUD-2026-0034-0001; FR-6540-P-01)

To Whom It May Concern:

The National Association of Residential Property Managers (NARPM®) represents professional residential property managers who work directly with property owners and residents to ensure safe, fair, and well-managed housing across the nation. As an organization and an industry, we are committed in word, deed, and spirit to the principle of fair housing. In no uncertain terms, we condemn those who would discriminate in the provision of housing and housing-related services. That includes both those who would explicitly discriminate and those who would purposely use other factors as a proxy to discriminate based on someone’s status as a member of a protected class. Those who would engage in either of these acts deserve prosecution to the fullest extent of the law and have no place in our industry. We do not speak for them.

Our interest in the issue of disparate impact is solely on behalf of our members who work hard to follow and adhere to fair housing laws. These men and women work hard to make sure that their practices and policies comply with applicable federal law. To that end, our intent is regulatory policy that provides clarity and certainty to the regulated community.

We appreciate HUD’s efforts to evaluate its disparate-impact regulations considering recent case law and policy developments. However, we have significant concerns about the practical implications of the current proposal, which would remove HUD’s disparate-impact regulation without providing a replacement structure.

Our concerns are not intended as categorical opposition. Rather, we seek to underscore the substantial operational uncertainty that would result if HUD withdrew the regulation without implementing clear guidance that housing providers can rely upon. NARPM® members consistently express a need for clear, stable “metes and bounds” to guide compliance—especially in areas like tenant screening, where neutral, good-faith business practices can have unintended consequences if not structured carefully.

We also note the value of the 2020 Disparate Impact Rule, which provided structured affirmative defenses and a clear five-element prima facie test. These features helped housing providers understand expectations, maintain compliance, and adopt proactive measures aligned with the FHA.

To be clear, NARPM® is not opposed to HUD reassessing the Rule. Our primary concern is that withdrawing the Rule without issuing alternative guidance will create fragmentation, confusion, and inconsistent expectations across jurisdictions, thereby complicating compliance efforts for property managers and owners.

We respectfully urge HUD to:

- If rescinding §100.500, simultaneously adopt a replacement framework that maintains the constructive clarity of the 2020 rule.
- Maintain clear pleading and evidentiary standards.
- Reinforce remedial, educational approaches when providers act in good faith.
- Issue supplemental guidance addressing tenant screening, AI-driven tools, and criminal-history evaluations.

NARPM® appreciates the opportunity to comment and stands ready to collaborate with HUD to develop practical guidance that reflects judicial standards while ensuring consistency and predictability for housing providers and residents.

With kind regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Garrett". The signature is fluid and cursive, with a large initial "T" and "G".

Troy Garrett  
NARPM® CEO