

LIST OF EXECUTIVE ORDERS AND HUD'S ACTIONS IMPACTING FAIR HOUSING AND HUD REGS AND GUIDANCE

January 26, 2026

In 2025 and 2026, there have been sweeping changes to fair housing protections. Thus far, this has been primarily accomplished by rescinding prior guidance and revoking prior services rather than issuing new guidance. Below is a brief description of the key Executive Orders that touch fair housing and the implementation of those Order thus far by federal agencies, and in particular, HUD.

1. **ELIMINATION OF THE DISPARATE IMPACT THEORY OF DISCRIMINATION**

Disparate impact discrimination occurs when a policy or practice has an unjustified discriminatory effect, even when the PHA had no intent to discriminate. Under this standard, when a facially-neutral policy or practice has a discriminatory effect on individuals of a particular race, national origin, or other protected class, such policy or practice has been deemed unlawful under the Fair Housing Act if it was not necessary to serve a substantial, legitimate, nondiscriminatory interest or if such interest could be served by another practice that had a less discriminatory effect.

On April 23, 2025, Executive Order 14281 was issued: Restoring Equality of Opportunity and Meritocracy which seeks to “eliminate the use of disparate-impact liability in all contexts to the maximum degree possible to avoid violating the Constitution, Federal civil rights laws, and basic American ideals.”

HUD and other Federal Agencies were ordered to report to the President about all existing regulations, guidance, rules or orders and steps to be taken for their amendment or repeal; evaluate all pending proceedings that relied on theories of disparate impact liability and take appropriate action consistent with this policy and evaluate existing consent judgments and permanent injunctions that rely on theories of disparate-impact liability and take appropriate action with respect to such matters consistent with the policy of this order. **FHEO memos dated September 16 and 17, 2025 rescinded many long-standing guidance documents and prior legal briefs consistent with this and other EO. See also Proposed Rule issued January 14, 2026 in Federal Register [2026-00590.pdf](#)** seeking to eliminate HUD regulations on disparate impact.

2. **NO SANCTUARY OR FUNDS TO HELP UNDOCUMENTED NON-CITIZENS**

On February 19, 2025, President Trump issued **Executive Order 14218 “Ending Taxpayer Subsidization of Open Borders”** aimed at ensuring, “consistent with applicable law, that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called “sanctuary” policies that seek to shield illegal aliens from deportation.”

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On December 10, 2025 HUD launched a hotline to report illegal immigrants and criminals in public housing.

On December 11, 2025 HUD Secretary Turner said he has ordered an audit to make sure those who live in subsidized housing have verifiable citizenship.

<https://abcnews4.com/news/nation-world/hud-secretary-turner-blames-illegal-migration-for-ruining-the-housing-market-for-americans-biden-administration-immigration-families>

There is a pending rule change to Section 214 of the HCD Act of 1980 pertaining to eligibility based on citizenship/immigration status to require verification of citizenship or eligible immigration status and make prorated assistance a temporary condition pending verification of eligible status. [View Rule](#) FR 6524

HUD instructs PHAs to use the new EIV_SAVE data to identify individuals whose citizenship or eligible immigration status may require additional verification due to discrepancies between SAVE responses and information reported on the Form HUD-50058 (line 3i). **HUD emphasizes that inclusion on this report does not automatically mean that an individual is ineligible for HUD assistance**; rather, it indicates that additional information or verification may be needed to confirm eligibility.

The PHA must review the report, ensure that each individual's citizenship/immigration status is accurately reported on the HUD-50058, and take any necessary corrective action, including submitting a corrected HUD-50058 to PIC. For each individual, PHAs should, when necessary, verify that:

- The PHA has sought additional verification from SAVE to verify eligible immigration status
- The PHA has kept documentation in the tenant file confirming the individual's citizenship or eligible immigration status (e.g., documentation and SAVE verification)
- The PHA has correctly coded the individual on the HUD-50058.

If an individual is determined to be ineligible for HUD assistance, PHAs may be required to initiate termination of assistance, depending on household composition.

Compliance with the new report will be monitored. PHAs that do not use EIV reports in accordance with established requirements may be subject to sanctions. The new report will be available as an option within the Income Validation Tool (IVT) Report in the EIV system.

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3. ENGLISH ONLY – REVOCATION OF LEP ASSISTANCE REQUIREMENTS

[Federal Register :: Designating English as the Official Language of the United States](#)

On March 1, 2025, Executive Order 14224 declared English to be the official language of the U.S. and revoked Executive Order 13166, Improving Access to Services for Persons With Limited English Proficiency (LEP), issued by President Clinton in 2000.

“Executive Order 13166 of August 11, 2000 (Improving Access to Services for Persons with Limited English Proficiency), is hereby revoked; nothing in this order, however, requires or directs any change in the services provided by any agency. Agency heads should make decisions as they deem necessary to fulfill their respective agencies' mission and efficiently provide Government services to the American people. Agency heads are not required to amend, remove, or otherwise stop production of documents, products, or other services prepared or offered in languages other than English.”

In response to EO 14224, DOJ rescinded its Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455 (June 18, 2002) (“2002 DOJ LEP Guidance”).

- However, despite this rescission, the DOJ states in the Federal Register comments that:
 - “All recipients of Department financial assistance have a continuing obligation to comply with Title VI, all applicable Title VI implementing regulations, all applicable federal civil rights laws and nondiscrimination provisions. Recipients of federal financial assistance also have a continuing obligation under the Rehabilitation Act of 1973 to ensure that their communications with individuals with disabilities are as effective as communications with others and may need to provide qualified sign language interpreters for individuals who are deaf. **Recipients of federal financial assistance**, including subrecipients, are **reminded that the denial of language assistance services can be evidence of discrimination on the basis of national origin or disability under certain circumstances**. The Department will be issuing updated guidance, consistent with law, as required by E.O. 14224.
Source: 90 FR 15722

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In response to EO 14224, the Office of the Attorney General (OAG) issued a Implementation of EO 14224 Memo on July 14, 2025. The OAG LEP Guidance Memo announced the suspension of operation of LEP.gov and all other public-facing materials related to language access for LEP persons. Within 180 days of the July 14, 2025 OAG LEP Guidance [which was January 11, 2026], OAG stated it would issue new guidance for public comment. That guidance has not yet been published. In the interim, OAG recommended all agencies take the following actions:

Review and rescind all LEP guidance.

“Agency heads shall make decisions as they deem necessary to fulfill their agencies' mission and efficiently provide government services and are not required to amend, remove, or otherwise stop production of all multilingual documents, products, or other services prepared or offered. However the OAG also recommends that “Where allowed by law, agencies should determine which of their programs, grants, and policies might serve the public at large better if operated exclusively in English.”

Use Technology to save costs.

“Technological advances in translation services will permit agencies to produce cost-effective methods for bridging language barriers and reducing inefficiencies with the translation process. The Department encourages other agencies to follow its approach of considering responsible use of artificial intelligence and machine translation to communicate with individuals who are limited English proficient”.

Include Disclaimers that English Is the Official Language:

“If a federal agency deems a multilingual service to be mission critical, such information should be translated accurately and include a clear note that English is the official language and authoritative version of all federal information.”

Redirect Funds Toward English Education:

“Agencies that save costs by reducing translation services should consider redirecting those funds toward research and programs that improve English proficiency and assimilation.”

In the past, HUD offered multilingual resources in more than 200 languages and maintained a language assistance hotline to serve individuals with limited English proficiency. Those services are now being scaled back or eliminated under the new policy framework.

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4. **ELIMINATION OF GENDER IDENTITY PROTECTIONS**

<https://www.hud.gov/news/hud-no-25-028> (HUD Press Release)

On January 20, 2025, President Trump issued **Executive Order 14168 “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”** The Executive Order specifically withdraws EO 13988 Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation (1/25/21)

On February 7, 2025, HUD Secretary Turner issued an order halting any pending or future enforcement actions related to HUD’s 2016 rule entitled “Equal Access in Accordance With an Individual’s Gender Identity in Community Planning and Development Programs” and has pledged to ensure that HUD-funded providers offer services to Americans based on their sex at birth: male or female.

5. **AFFIRMATIVELY FURTHERING FAIR HOUSING CRITERIA**

Per HUD’s Interim Final Rule effective April 2, 2025, HUD terminated the 2021 Affirmatively Furthering Fair Housing (AFFH) rule.

The interim final rule requires a statement of general commitment in the PHA Plan that the PHA will take administer the program in conformity with all the fair housing laws, and that the PHA will affirmatively further fair housing. Such certification will be deemed sufficient provided the PHA can demonstrate that it took any action during the relevant period rationally related to promoting fair housing, such as helping eliminate housing discrimination. The interim final rule does not require an obligation to conduct an analysis of impediments or mandate any specific fair housing planning mechanism.

HUD revised relevant definitions as follows:

24 CFR § 5.150 Affirmatively Furthering Fair Housing: Definitions.

(a) The phrase “fair housing” means housing that, among other attributes, is affordable, safe, decent, free of unlawful discrimination, and accessible as required under civil rights laws.

(b) The phrase “affirmatively further” means to take any action rationally related to promoting any attribute or attributes of fair housing as defined in the preceding subsection.

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6. **NOTICES WITHDRAWN OR RESCINDED NOT ALREADY DISCUSSED**

PIH 2025-26, Use of Arrest Records in Criminal Screening, rescinded “Memo – Use of Arrest Records of Tenants of Public and HUD-Assisted Housing 4-18-15,” issued: April 8, 2015, stating PHAs’ adverse decisions (to deny or terminate) could not be based solely on a record or records of arrest.

FHEO 2020-1 Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act” (January 28, 2020). Note that this guidance clarified service animals under the Americans with Disabilities Act and support animals under the Fair Housing Act. These laws remain the same.