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HUD Sues Facebook Over Housing Discrimination

Facebook, which has been accused recently of everything short of disappearing Jimmy Hoffa, is in more hot water. The U.S. Department of Housing and Urban Development (HUD) announced today that it is charging Facebook with **violating the Fair Housing Act.** HUD said the huge social media platform had encouraged and enabled and thus has caused housing discrimination.

The Charge, filed though HUD's office of Administrative Law Judges states that, " Because of the way [Facebook] designed its advertising platform, ads for housing and housing-related services are shown to large audiences that are **severely biased based on characteristics protected by the Act**, such as audiences of tens of thousands of users that are nearly all men or nearly all women. "

HUD says Facebook charges advertisers for the ability to micro-target ad to users based on the millions of bits of personal data it has collected. Facebook promotes and distinguishes its advertising platform by proclaiming that "most online advertising tools have limited targeting options . . . like location, age, gender, interests and potentially a few others.. . But Facebook is different. People on Facebook share their true identities, interests, life events and more."

The charge says the company, which also owns Instagram and Messenger, holds out its advertising platform as a powerful resource for advertisers in many industries, including housing and housing-related services and promotes its platform with "success stories," "including stories from a housing developer, a real estate agency, a mortgage lender, a real-estate-focused marketing agency, and a search tool for rental housing."

Facebook provides its advertiser with tools for selecting an ad's eligible audience, i.e. users who have the attributes the advertiser desires and then Facebook chooses which users will actually be shown the ad. During the next phase advertisers can define which users or types of users can see the ad. **Tools include a toggle button to exclude men or women from seeing an ad**, a search box to exclude **people who don't speak a specific language**, live in a certain area, or include or exclude users with specific attributes such as "women in the workforce," "moms of grade school kids," "foreigners," "Puerto Rico Islanders," or people interested in "parenting," "accessibility," "service animal," "Hijab Fashion," or "Hispanic Culture." Facebook also has offered advertisers the ability to limit the audience of an ad by selecting to

National Average Mortgage Rates

Mortgage News Daily	Rate	Change	Points
30YR Fixed	7.27%	-0.02	0.00
15YR Fixed	6.92%	-0.03	0.00
30YR FHA	6.90%	-0.01	0.00
30YR Jumbo	7.55%	0.00	0.00
7/6 SOFR	6.78%	-0.10	0.00
30YR VA	6.91%	-0.01	0.00

Rates as of: 10/30

MBS and Treasury

	Price / Yield	Change
MBS UMBS 6.0	99.81	-0.02
10 YR Treasury	4.9299	+0.0084
30 YR Treasury	5.3082	+0.0081

Pricing as of: 10/30 5:59PM EST

Recent Housing Data

		Value	Change
Mortgage Apps	Oct 21	195	+3.39%
Building Permits	Sep	1.4M	+0.43%
Housing Starts	Sep	1.22M	-4.24%
New Home Sales	Sep	676K	-1.17%
Pending Home Sales	Aug	71.2	0%
Existing Home Sales	Oct	3.99M	+0.25%
Builder Confidence	Oct	29	-9.38%

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include only those classified as, for example, "Christian" or "Childfree."

Further, HUD says Facebook allegedly uses machine learning and other prediction techniques to classify and group users to project each user's likely response to a given ad, and in doing so, *may* recreate groupings defined by their protected class.

The charge follows an investigation by HUD of a complaint initiated by the HUD Secretary last August. At that time the Department of Justice, joined by HUD, also filed a statement of interest in the U.S. District Court for the Southern District of New York (SDNY) on behalf of a number of private litigants challenging Facebook's advertising platform.

HUD General Counsel Paul Compton said, "Even as we confront new technologies, the fair housing laws enacted over half a century ago remain clear-discrimination in housing-related advertising is against the law. Just because a process to deliver advertising is opaque and complex doesn't mean that it's exempts Facebook and others from our scrutiny and the law of the land. Fashioning appropriate remedies and the rules of the road for today's technology as it impacts housing are a priority for HUD."

HUD seeks to address unresolved fair housing issues regarding Facebook's advertising practices and to **obtain appropriate relief for the harm Facebook caused and continues to cause.** The Charge will be heard by a United States Administrative Law Judge unless any party to the Charge elects to have the case heard in federal district court

Persons who believe they have experienced discrimination may file a complaint by contacting HUD's Office of Fair Housing and Equal Opportunity at (800) 669-9777 (voice) or (800) 927-9275 (TTY).

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