

**American Bankers Association  
American Financial Services Association  
Consumer Mortgage Coalition  
Independent Community Bankers of America  
Mortgage Bankers Association**

June 30, 2017

**By Federal Express and Electronic Mail**

The Honorable Jeff Sessions III  
Attorney General  
United States Department of Justice  
Robert F. Kennedy Building  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-20001

Dear Mr. Attorney General:

We request the opportunity to meet at your earliest convenience to discuss the Department's approach to enforcement of fair lending laws. We believe that this Administration has an opportunity to align fair lending policy with Supreme Court precedent and address constitutional concerns regarding the consideration of race in decision-making. Indeed, in a fair lending matter pending in the Northern District of Illinois, the Department recently espoused a concerning position of the previous Administration, which the Court then adopted. Other deadlines demanding the Department's views are approaching.

Our members are committed to fair lending and expend substantial resources to ensure that credit decisions are based on a consumer's qualifications for credit and without regard to factors such as race or national origin. The civil rights team of the previous Administration, however, sought to use the rulemaking and enforcement process to establish novel and overreaching requirements that contradict Supreme Court precedent. Our differences with the previous Administration are summarized in the comment letters filed by a number of financial services trade associations in their recent comment letters to HUD in connection with the recent regulatory-relief initiative. (Links to those comment letters are included below.)

We appreciate that the process for reevaluating the previous Administration's approach to fair lending should be deliberative and that your civil rights team is not yet in place. We respectfully suggest, however, that the actions of the Department to date appear to further the prior

Administration's policy, and with other court deadlines fast approaching, we ask that you allow us to present our concerns to you before other decisions are made.

We appreciate your consideration of our request. Our point of contact, Paul F. Hancock of K&L Gates LLP, will be in touch with your office regarding our request. Your staff may also reach Mr. Hancock by email at [paul.hancock@klgates.com](mailto:paul.hancock@klgates.com) or by phone at 305-539-3378.

Sincerely,

American Bankers Association  
American Financial Services Association  
Consumer Mortgage Coalition  
Independent Community Bankers of America  
Mortgage Bankers Association

American Bankers Association comment letter:

<http://www.aba.com/Advocacy/commentletters/Documents/HUDFairHousingCommentLetter-RDavis.pdf>

Consumer Mortgage Coalition comment letter:

<http://www.consumermortgagecoalition.org/fullpanel/uploads/files/cmc-letter-to-hud-on-regulatory-reform-agenda--6-11-17-.pdf>

Independent Community Bankers of America comment letter:

<http://www.icba.org/docs/default-source/icba/advocacy-documents/letters-to-regulators/2017/cl061417.pdf?sfvrsn=0>

Mortgage Bankers Association comment letter:

<https://www.regulations.gov/document?D=HUD-2017-0029-0231>

cc:

Joseph H. "Jody" Hunt, Chief of Staff to the Attorney General

[Jody.hunt@usdoj.gov](mailto:Jody.hunt@usdoj.gov)

David C. Rybicki, Counselor to the Attorney General

[David.rybicki@usdoj.gov](mailto:David.rybicki@usdoj.gov)

Rachael Tucker, Counselor to the Attorney General

[Rachael.tucker@usdoj.gov](mailto:Rachael.tucker@usdoj.gov)

Mary Blanche Hankey, White House Liaison and Counsel to the Attorney General

[Mary.blanche.hankey@usdoj.gov](mailto:Mary.blanche.hankey@usdoj.gov)