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February 13, 2026

Scott Knittle
Principal Deputy General Counsel
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410-0500

RE: Muscular Dystrophy Association Comments on Implementation of the Fair Housing Act's Disparate Impact Standard Proposed Rule, Docket No. FR-6540-P-01, RIN 2529-AB09

Dear Mr. Knittle,

In service to the neuromuscular disease community, the Muscular Dystrophy Association (MDA) writes to express our opposition to the U.S. Department of Housing and Urban Development (HUD) proposed rule, 'HUD's Implementation of the Fair Housing Act's Disparate Impact Standard'. As the nation's leading nonprofit organization serving children and adults affected by neuromuscular diseases, most living with some level of disability due to their condition, we oppose any weakening of fair housing protections for individuals with disabilities through removal of discriminatory impact regulations. The proposed rule creates confusion and unpredictability for all parties and would create hardships for members of the neuromuscular community to fully exercise their civil rights. MDA opposes HUD's proposed rule and the broader effort to reject disparate impact theory across federal agencies. We urge the Department to withdraw the rule and preserve the disparate impact standard.

MDA's mission is to empower individuals affected by neuromuscular diseases to live longer, more independent lives, and strengthening access to affordable, accessible housing is key to achieving that mission. Neuromuscular conditions impact physical strength and mobility, and many members of the neuromuscular disease community use assistive devices, including wheelchairs, to increase independence and mobility, which influences their housing decisions. Due to low stock of accessible housing options – studies suggest less than 1 percent of housing units in the U.S. are fully wheelchair accessible¹ – many members of the neuromuscular disease community experience challenges when it comes to securing accessible housing. Access to housing ranks among

¹https://www.jchs.harvard.edu/sites/default/files/research/files/harvard_jchs_housing_stock_accessibility_scheckler_2022_0.pdf

the most common reasons for individuals affected by neuromuscular conditions to contact MDA's Resource Center and can impact many other facets of an individual's life, including access to care, professional opportunities, education and more.

Individuals affected by neuromuscular diseases can face barriers to securing and maintaining housing through discriminatory policies and practices that may seem neutral on the surface but can have the unintended impact of discriminating against individuals with disabilities. When this discrimination occurs, it is vital that the neuromuscular disease community has adequate ability to challenge that discrimination.

HUD's proposed rule would end the Department's use of disparate impact legal theory in fair housing and enforcement of civil rights and conflicts with the Fair Housing Act's requirement to further fair housing, in accordance with the Supreme Court's 2015 *Inclusive Communities* decision. This weakens the ability of the neuromuscular disease community to challenge housing policies that have discriminatory impact towards people with disabilities. For example, an individual in the neuromuscular community receiving federal disability benefits may utilize the disparate impact rule to challenge a landlord's policy of not renting to individuals receiving public assistance, disproportionately impacting the neuromuscular community's housing options due to their disability. Another potential impact to the neuromuscular community would be a landlord's policy to require full-time employment for all tenants, which could preclude renting to someone with a neuromuscular disease whose conditions prevents them from working full-time, but may still have the means to afford the unit.

All members of the neuromuscular community – and people with disabilities – deserve full protections and robust enforcement of the Fair Housing Act. The proposed rule is in conflict with the Department's mission to affirmatively further fair housing and both prevent disability discrimination and enforce violations of civil rights. In addition, we express our deep disappointment in the abbreviated comment period of just 30 days, given the potential impact to individuals with disabilities, in addition to language in the 2026 Consolidated Appropriations Act to require not less than 60 days for the submission of public comments and the APA requirement for HUD to provide a reasonable comment period.

It must also be noted that this proposed rule comes in addition to other actions taken by the Department that risk undermining enforcement of federal fair housing laws that protect people with disabilities, including those in the neuromuscular disease community. These actions include the September 2025 guidance that the Fair Housing Enforcement Office

staff should prioritize cases involving facially discriminatory conduct² and withdrawal of subregulatory guidance issued in 2013 and 2020 on service animals for people with disabilities under the Fair Housing Act and in HUD-funded programs³, which helped to explain to housing providers their obligations under the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

We urge HUD to withdraw the proposed rule and preserve the disparate impact standard to strengthen the neuromuscular community's ability to live longer, more independent lives, free from discrimination. We stand ready to work with the Department and all stakeholders on how to improve housing accessibility and affordability for people living with neuromuscular diseases.

Sincerely,

Shannon Wood
Director of Disability Policy
Muscular Dystrophy Association

² <https://www.hud.gov/sites/dfiles/Main/documents/Fair-Housing-Act-Enforcement-Prioritization-Resources.pdf>

³ <https://www.hud.gov/sites/dfiles/Main/documents/Notice-of-Withdrawal-of-Guidance-Documents.pdf>