

Press Coverage | January 22, 2026

Attys Fear HUD Bias Rule Would Muddy Fair Housing Waters

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Lori Sommerfield, a partner in Troutman Pepper Locke's Consumer Financial Services Practice Group, was quoted in the January 21, 2026 *Law360* article, "[Attys Fear HUD Bias Rule Would Muddy Fair Housing Waters](#)."

"As a practical matter, it's likely going to increase the variability of case outcomes among the federal courts as they address what constitutes a disparate impact claim, as well as how defendants can demonstrate business justification and when plaintiffs have to show less discriminatory alternatives," [Troutman Pepper Locke LLP](#) partner Lori Sommerfield told *Law360* Real Estate Authority. "That will heighten the importance of circuit-specific case law."

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"Frankly, I was surprised to see HUD rescind its Fair Housing Act disparate impact regulations instead of amending them," Sommerfield said. "This rulemaking has had a long history in which each admin has promulgated its own version of the disparate impact rule. To me, it would have made sense for the Trump 2.0 administration to amend and issue their own version of this rule."

Sommerfield noted that HUD did offer three reasons for rescinding the rule outright, rather than revising or amending it.

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