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# Disparate Impact Cases Would Rely Solely on Courts Under HUD Rule

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An [article](#) written by Troutman Pepper Locke Partners Leigh Poltrock, Lori Sommerfield, and Chris Willis was cited in the February 17, 2026 *National Law Journal* article, “[Disparate Impact Cases Would Rely Solely on Courts Under HUD Rule.](#)”

If the rule is finalized, HUD will no longer have a codified regulatory test for disparate impact under the FHA, according to a client alert from Troutman Pepper Locke. HUD does not state that disparate impact claims are invalid but argues that whether and how disparate impact applies under the FHA are questions for the courts to decide rather than agency regulations, the firm stated.

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