

High Court Inclusive Communities Ruling: 1 Year Later

AUGUST 23, 2016

In this article published by *Law360*, authors [David Ogden](#), [Franca Harris Gutierrez](#), [Debo Adegbile](#), [Michael Gordon](#), [Stephen Carey](#), [Sky Lynn Perryman](#) and [Adriel Cepeda Derieux](#) analyze the evolution of disparate impact doctrine since the court's *Inclusive Communities* decision, with a particular focus on how the decision appears to be affecting enforcement cases brought by the Consumer Financial Protection Bureau.

Last summer the US Supreme Court issued its much-anticipated decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project*, holding that disparate impact discrimination claims are cognizable under the Fair Housing Act. Disparate impact liability arises when a policy or practice that is facially neutral results in a disproportionate disadvantage to a protected class and the policy or practice cannot be justified by a legitimate, nondiscriminatory business purpose. [Read the article](#)

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