



April 30, 2025

GENERAL NEWS

President Issues Executive Order Addressing Disparate Impact Liability

On April 23, President Donald Trump signed [Executive Order 14281](#), titled “Restoring Equality of Opportunity and Meritocracy.” The order, officially [published](#) in the *Federal Register* on April 28, aims to eliminate the use of disparate impact liability in all contexts to the maximum extent possible. Disparate impact liability addresses policies that, while neutral on their face, disproportionately affect protected groups – such as racial minorities, women, and individuals with disabilities – even without evidence of intentional discrimination.

As stated in a [fact sheet](#) accompanying the presidential directive, the executive order:

- Revokes presidential actions that approved disparate impact liability
- Directs all agencies to deprioritize enforcement of statutes and regulations that include disparate impact liability
- Instructs the Attorney General to repeal or amend all Title VI (racial nondiscrimination) regulations that contemplate disparate impact liability
- Directs the administration to assess all pending investigations, lawsuits, and consent judgments that rely on a theory of disparate impact liability and take appropriate action
- Requires the Attorney General and heads of federal agencies to determine whether any federal authorities preempt state laws, regulations, policies, or practices that impose disparate impact liability or whether they have constitutional infirmities that warrant federal action

The order argues that disparate impact liability undermines civil rights laws by “mandating discrimination to achieve predetermined, race-oriented outcomes, contradicting the Constitution’s guarantee of equal protection and treatment.” It also states that “it hinders businesses from making merit-based hiring decisions, depriving job seekers of opportunities best suited to their skills and preventing employers from acting in the best interests of their customers and the public.”

However, critics express concern that dismantling disparate impact protections undermines decades of progress in combating systemic discrimination. For many years, this standard has empowered tenants, domestic violence survivors, and communities of color to challenge subtle yet harmful forms of housing discrimination. It provided a pathway to push back against exclusionary zoning policies, rental screening practices that disproportionately impacted Black renters, and eviction policies that penalized survivors of domestic violence for seeking emergency assistance.



For help with your PIH Alert subscription, email [Lizbeth Perez](#). For questions and comments on content, email [Olga Vélez](#). To view or post job announcements at our website, click [here](#). To view our seminar calendar, click [here](#). To read the NMA blog, click [here](#).



Nan McKay & Associates, 1810 Gillespie Way, Suite 202, El Cajon, CA 92020, USA, 1-800-783-3100  
[Unsubscribe](#) [Manage preferences](#)