



**U.S. Department of Housing and Urban Development**  
Fair Housing and Equal Opportunity  
Office of Special Investigations  
2415 Eisenhower Avenue  
Alexandria, Virginia 22314

May 29, 2026

**By Certified U.S. Mail and Email**

Nathaniel VerGow, Director  
Multnomah County Homeless Services Department  
209 SW 4th Avenue  
Portland, Oregon 97204  
hsd@multco.us

**RE: Secretary-Initiated Investigation of the Multnomah County  
Homeless Services Department**

Dear Mr. VerGow:

I am the Assistant Secretary for Fair Housing and Equal Opportunity, and I write to notify you that, pursuant to the Fair Housing Act,<sup>1</sup> the United States Department of Housing and Urban Development is initiating an investigation into the Homeless Services Department (HSD) of Multnomah County, Oregon (the County). Under the historic leadership of President Donald J. Trump, “it is the policy of the United States to protect the civil rights of all Americans.”<sup>2</sup> That mandate includes ensuring nationwide compliance with the Fair Housing Act and Title VI of the Civil Rights Act of 1964.

Under the Fair Housing Act, it is illegal to “make unavailable or deny[] a dwelling to any person because of race ... or national origin.”<sup>3</sup> It is also illegal to “cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on” race or national origin.<sup>4</sup> Homeless shelters and supportive housing can be dwellings covered by the Act.<sup>5</sup> Title VI prohibits racial and national origin discrimination in “any program or activity receiving Federal financial assistance.”<sup>6</sup>

According to the County, HSD provides “equitable services for people experiencing or at risk of homelessness.”<sup>7</sup> HSD operates a “Priority Housing Pool” (PHP) to distribute housing resources to the City of Portland’s outsized homeless

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<sup>1</sup> 42 U.S.C. § 3610(a)(1)(A)(iii).

<sup>2</sup> Exec. Order No. 14173, 90 C.F.R. 8633 (Jan. 21, 2025) (cleaned up).

<sup>3</sup> 42 U.S.C. § 3604(a).

<sup>4</sup> 42 U.S.C. § 3604(c).

<sup>5</sup> *Turning Point, Inc. v. City of Caldwell*, 74 F.3d 941, 942 (9th Cir. 1996); *Boykin v. Gray*, 895 F. Supp. 2d 199, 207 (D.D.C.2012); 24 C.F.R. § 100.201.

<sup>6</sup> 42 U.S.C. § 2000d.

<sup>7</sup> Multnomah Cnty., *About the Homeless Servs. Dep’t*, <https://hsd.multco.us/who-we-are/>, [<https://perma.cc/MN28-Q3W4>] (last accessed May 18, 2026).

population.<sup>8</sup> The PHP “is the list of prioritized households” eligible to be referred for housing services.<sup>9</sup>

“In Fall 2024, Multnomah County introduced a new, locally designed screening tool called the Multnomah Screening and Services Tool (MSST).”<sup>10</sup> This tool determines PHP eligibility by assigning points for various factors, and only 25% of screened households score high enough for eligibility.<sup>11</sup> According to recent credible reporting, the MSST assigns points based on race and national origin.<sup>12</sup>

By the County’s admission, the “MSST is designed to prioritize” certain people over others—namely, “BIPOC [black, indigenous, and people of color] households.”<sup>13</sup> The MSST rubric awards a total of four points for “interest in culturally specific services” and speaking “English as a second language”—apparent proxies for race and national origin, respectively.<sup>14</sup> By contrast, having “no income,” being “homeless [for] 12+ months,” or having “a disability” garner citizens only one point each.<sup>15</sup> Under this reported rubric, the County’s points-based system prioritizes race over need when determining who will receive housing resources.

Local housing providers reflect the County’s priorities by offering apartments segregated by race or national origin. One apartment markets “culturally specific housing for the chronically displaced BIPOC community,”<sup>16</sup> and another states “[a]ll units” in its building will house “people experiencing or at risk of homelessness who request culturally specific services for BIPOC residents.”<sup>17</sup> Another development with 150 units will “focus on immigrant and refugee communities, specifically Muslim and East and North African households.”<sup>18</sup>

Given the County’s preoccupation with race and national origin, it is unsurprising that Portland’s “culturally specific organizations” openly deliberate—and potentially conspire—about overcoming the “challenges” of “Fair Housing rules”

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<sup>8</sup> Multnomah Cnty., *Homeless Servs. Dep’t Inventory-Based Threshold Setting and Priority Housing Pool FAQs*, 1 <https://hsd.multco.us/wp-content/uploads/2025/08/Priority-Pool-FAQ-External-1.pdf>, [<https://perma.cc/ZNY8-PEQ3>] (last accessed May 18, 2026).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 2.

<sup>11</sup> *Id.* at 3.

<sup>12</sup> Aaron Sibarium, *Exclusive: In Cities Across America, Homeless Services Are Doled Out Based on Race and Sexual Identity*, WASH. FREE BEACON, Apr. 29, 2026, <https://freebeacon.com/america/exclusive-in-cities-across-america-homeless-services-are-doled-out-based-on-race-and-sexual-identity/>.

<sup>13</sup> Multnomah Cnty., *supra* note 8, at 3.

<sup>14</sup> Sibarium, *supra* note 12.

<sup>15</sup> Sibarium, *supra* note 12.

<sup>16</sup> Sera Design, Hattie Redmond Apartments, <https://www.seradesign.com/projects/hattie-redmond-apartments/>, [<https://perma.cc/5C4C-W9N5>] (last accessed May 18, 2026).

<sup>17</sup> Home Forward, Kathleen Saadat Apartments, <https://www.homeforward.org/kathleen-saadat-apartments/>, [<https://perma.cc/NWN4-DJYP>] (last accessed May 18, 2026).

<sup>18</sup> Housing Bond Progress Report for City of Portland, 8, <https://www.portland.gov/phb/documents/2024-metro-bond-annual-progress-report/download>, [<https://perma.cc/F59F-SWRG>] (last accessed May 18, 2026).

that “prohibit landlords from targeting housing to specific cultural communities (or to, say, refugees).”<sup>19</sup>

Whatever the County’s motivations, the United States Supreme Court recently reaffirmed that the Constitution’s Equal Protection Clause “almost never permits ... a State to discriminate on the basis of race.”<sup>20</sup> With two exceptions not relevant here, race cannot “play *any part* in government decisionmaking.”<sup>21</sup> Title VI of the Civil Rights Act of 1964 “bears independent force beyond the Equal Protection Clause,” prohibiting recipients of federal funds from engaging in “racial discrimination to any degree or for any purpose.”<sup>22</sup> The Fair Housing Act brings the same force to bear against housing providers. Under that Act, “discrimination based on intentional consideration of race is illegal, even if the defendant was not motivated by personal prejudice or racial animus.”<sup>23</sup> The County’s housing services must comply with the Equal Protection Clause, Title VI, and the Fair Housing Act.

Ultimately, the County’s MSST scheme lays bare its failure to learn “the lessons of the great decisions of the Supreme Court” and “contemporary history” that “discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong, and destructive of democratic society.”<sup>24</sup> For these reasons, “our Constitution is colorblind, and neither knows nor tolerates classes among citizens.”<sup>25</sup> And yet, without a hint of self-awareness, while the County fixates on “racial equity,” “structural racism,” and “equitable outcomes,” it appears to systematically racially discriminate against a disfavored subset of its homeless residents.<sup>26</sup>

Based on the publicly available evidence of race- and national origin-based eligibility criteria for Multnomah County’s housing services, I have directed my Office of Special Investigations to investigate the County for fair housing and other civil rights laws violations. Our investigation will determine the extent to which the County has violated or intends to violate 42 U.S.C. § 3604 and other statutes.

Upon completion of our investigation, the Office of Fair Housing and Equal Opportunity (FHEO) may file a complaint against the County for discrimination based on race or national origin under the applicable statutes. If FHEO finds reasonable cause to believe the County has or intends to violate the civil rights of its

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<sup>19</sup> Housing Development Center, Seven culturally specific organizations grow their knowledge of affordable housing ownership—together., <https://www.hdc-nw.org/news-and-updates/2025/06/25/seven-culturally-specific-organizations-prepare-for-their-journeys-as-housing-owners>, [<https://perma.cc/BT9P-MCYR>] (last accessed May 18, 2026).

<sup>20</sup> *Louisiana v. Callais*, Nos. 24-109, 24-110, 2026 WL 1153054, \*10 (April 29, 2026).

<sup>21</sup> *Id.* at \*4 (emphasis added).

<sup>22</sup> *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, 600 U.S. 181, 310 (2023) (Gorsuch, J., concurring).

<sup>23</sup> *Hall v. Lowder Realty Co., Inc.*, 160 F. Supp. 2d 1299, 1318 (M.D. Ala. 2001) (cleaned up).

<sup>24</sup> *Richmond v. J.A. Croson Co.*, 488 U.S. 469, 521 (1989) (Scalia, J., concurring) (quoting Alexander Bickel, *The Morality of Consent* 133 (1975)) (internal quotation marks omitted).

<sup>25</sup> *Id.* (quoting *Plessy v. Ferguson*, 163 U.S. 537, 559 (1896) (Harlan, J., dissenting)) (internal quotation marks omitted).

<sup>26</sup> Multnomah Cnty., *supra* note 7.

citizens, we will file charges of discrimination or refer the matter to the United States Department of Justice for further enforcement.

Additionally, this letter serves as a formal demand to preserve all existing and future records and materials related to the County's Priority Housing Pool and related services. You should construe this preservation notice as an instruction to take reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to the Department's investigation. This instruction includes all electronic messages sent using official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Within ten (10) business days of this letter's date, FHEO will issue initial requests for information from the County. Please reach out to [REDACTED] with any questions.

Sincerely,



Craig W. Trainor  
Assistant Secretary for Fair Housing  
and Equal Opportunity