

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



Officers

Alvin O. Gillard, Executive Director
Cleveland L. Horton II, Deputy Director
Nicolette Young, Assistant Director
Glendora C. Hughes, General Counsel

Governor
Larry Hogan
Lt. Governor
Boyd K. Rutherford
Commission Chairperson
Gary C. Norman, Esq.
Commission Vice Chairperson
Roberto N. Allen, Esq.
Commissioners
Allison U. Dichoso, Esq.
Hayden B. Duke
Eileen M. Levitt, SPHR, SHRM-SCP
Rabbi Binyamin Marwick
Gina McKnight-Smith, PharmD, MBA
Shawn M. Wright, Esq.

March 6, 2020

House Bill 1561 - Discriminatory Housing Practices - Intent Position: Support

Dear Chairpersons Pendergrass, Vice Chairperson Peña-Melnyk, and Members of the House Health & Government Operations Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, and physical and mental disability.

When investigating complaints of unlawful discrimination, MCCR is able to apply the “disparate impact theory” to the investigation when determining if the allegations are discriminatory. “Disparate impact theory” refers to practices (such as by an employer or landlord) that adversely affect one group of people of a protected class more than another, even though the practices applied are neutral on their face.

Recently, the U.S. Department of Housing & Urban Development has been considering rules that would effectively eliminate the ability for agencies participating in the Fair Housing Assistance Program (FHAPs, of which MCCR has this designation) to apply “disparate impact theory” when investigating complaints alleging violation of the federal Fair Housing Act. In an effort to preserve MCCR’s existing investigatory tool kit, House Bill 1561 codifies that Maryland law authorizes the Commission to receive and investigate housing complaints where the disparate impact theory can be applied.

Therefore, the Maryland Commission on Civil Rights urges the committee to vote favorably on HB1561. Thank you for your time and consideration of MCCR’s position in this letter.