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SB 687: State and Local Housing Programs – Affirmatively Furthering Fair Housing

Hearing before the Judicial Proceedings Committee, Feb. 9, 2021

Position: Favorable

Racial segregation and a lack of fair housing opportunity remain persistent, insidious forces of destruction in the state of Maryland. SB 687 provides a framework for the Dept. of Housing and Comm. Dev. (DHCD) and local jurisdictions to analyze barriers to fair housing opportunity, take data-driven steps to eliminate such barriers, and thereby foster thriving, integrated communities depending on the needs of the individual community.

A [recent study by the Baltimore Metropolitan Council](#) found that Black and white households in the Baltimore region have a “dissimilarity index” of 64.2. A “dissimilarity index” is a measure of segregation which compares where non-white residents live compared to white residents. A score of more than 55 = high segregation. The score of 64.2 has barely changed in the past 10 years, and so the Council concluded that “[t]he region remains segregated racially and economically due to past actions that caused and have perpetuated inequities.”

According to the Council’s report, state and local government played a significant role in creating this high level of segregation. Thus, state and local governments have a duty to remedy the consequences of their actions. The Council summarized this history as follows:

Like in many early U.S. cities, growth of heavy manufacturing in Baltimore City, which attracted new African American residents from more southern states and immigrants from abroad, prompted fears of encroachment into surrounding residential areas that were largely occupied by wealthier, White residents. The public sector attempted to implement racial zoning and other actions to promote segregation, and the private sector used deed restrictions toward the same end. Federal regulations that denied financial capital to many protected classes bolstered these local actions. Together, these discriminatory efforts resulted in neighborhoods that became highly segregated by race, ethnicity, and income.

Low-income, predominantly Black tenant-clients of the Public Justice Center know the consequences of this institutional racism too well: A true lack of housing that is affordable, habitable, and accessible in neighborhoods where you would want to raise your children.

While the federal government currently requires local jurisdictions to “affirmatively further fair housing” (AFFH) and has provided a framework in the past that is similar to HB 90, the federal AFFH framework has been a political football for more than 40 years. It was practically ignored by HUD for some time. The Obama Administration promulgated meaningful guidance to local jurisdictions on how to affirmatively further fair housing. The Trump Administration then rescinded that guidance. The lack of consistent federal guidance has stymied local jurisdictions in taking bold action to address barriers to fair housing. The lack of consistency has also stymied advocacy organizations such as the Public Justice Center in advocating for fair housing measures. **HB 90 will provide clear, consistent guidance to DHCD and local jurisdictions on how to analyze barriers to fair housing and implement measures to further fair housing regardless of who occupies the White House.**

The data and public reporting requirements in HB 90 will also prove invaluable to local jurisdictions, the General Assembly, and advocates in formulating and implementing public policies that too often fly blind at the moment. Also importantly, HB 90 does not require that the state or local jurisdictions implement one specific set of policies or programs. It does, however, require a thorough analysis of the barriers to fair housing and implementation of a set of concrete steps so that this issue can no longer be ignored.

Please issue a report of FAVORABLE on SB 687. If you have any questions, please contact Matt Hill, hillm@publicjustice.org, 410-625-9409, ext. 229.