



Testimony in Support with Amendments of HB 2021-90
Howard County Housing Commission
January 22, 2021

The Howard County Housing supports HB 90 with amendments. Over the recent past, it has become ever more clear that housing policies in Maryland have played a key role in segregating our communities and schools, in addition to limiting opportunities for homeownership and the wealth that it can bring to our historically disadvantaged communities. While the federal Fair Housing law that was first passed in 1964 and amended in 1968 calls for local governments to “affirmatively further fair housing,” this requirement was never enforced by the Department of Housing and Urban Development. In 2015, the Obama administration promulgated regulations that, for the first time, would have defined and enforced the statutory requirement, the Trump administration quickly abandoned the effort.

House Bill 90 defines “affirmatively furthering fair housing” at the State level and requires the State and local governments to work toward achieving housing opportunities for all Maryland residents in a much wider range of neighborhoods than are currently available. The Howard County Housing Commission strongly supports this goal. The Housing Commission has long had a policy of creating mixed-income communities. At the same time, it is our goal to create affordable housing opportunities throughout the County. Among other actions, we recently increased the payment standards for housing choice vouchers in some of the County’s higher-rent areas in order to allow voucher holders a greater choice of housing opportunities.

We know that segregated communities can never be equal communities. Affirmatively furthering fair housing is an important step to creating a more equitable and just society. The Commission strongly supports the goals of HB 90.

The amendments to HB 90 concern the Bill’s reporting and analysis requirements. Without identifying every provision, we believe that these sections need to be reviewed and amended to ensure that the appropriate levels of government are being asked for the necessary data and analyses. Otherwise, the Bill could lead to confusion and large amounts of unnecessary and unproductive labor. We agree with the amendments being proposed by the Baltimore Regional Fair Housing group. These address a number of technical issues.

For example, in section 2-302(B)(3)(I), the legislation calls for reporting on projects that comply with the Federal Rehabilitation Act, the Federal Fair Housing Act, and the Maryland Accessibility Code (emphasis added). These three laws all call for accessibility, but in slightly different ways. Most owners try to satisfy the most restrictive law, but this is a matter of debate. We believe that the Bill should identify the projects that meet any one of these laws, not all three. In subsection (II) of the same section, the Bill calls for the identification of the “features” that comply with these laws. This could require a detailed listing of appliances, common areas, bathrooms and other elements for each unit and each project. It is unclear how such a listing would assist with fair housing.

Section 2-402, which requires assessments of fair housing. Local jurisdictions are required by HUD to compile a very detailed assessment every five years. This requirement was an enhanced under the Obama administration regulations, but it was still completed every five years. HB 90 seems to require a detailed assessment before any State Department of Housing funding can be granted. It is not clear how often the assessment needs to be completed. This assessment should not be in addition to that required by HUD, but should build upon it. The legislation also requires private actors to submit such an assessment. While private actors could submit the local government’s five-year assessment, it is not realistic to ask them to submit their own. The section should be amended to require local governments to submit their fair housing assessments to the State Department of Housing and Community Development. If the legislature believes that the HUD required assessment is inadequate, it should specify what additional information it would require.

There are other similar requirements in the bill that could be improved by consultation with local government and fair housing experts.

We believe that these changes can be identified and made quickly. That technical amendments are necessary should not delay the passage of this important measure. We are all suffering from our failure to act on fair housing. The patterns of segregation that are plain to see along with the social and economic consequences are the consequences of our inaction to date. The Commission strongly supports the goals of HB 90.

Peter Engel
Executive Director
Howard County Housing Commission