



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

Disability Rights Maryland

House Environmental & Transportation Committee

January 26, 2021

HB 90 – State and Local Housing Programs-Affirmatively Furthering Fair Housing POSITION: SUPPORT

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, affordable and accessible housing.

DRM **supports** HB 90 as the data collected should result in developing concrete and specific actions from Maryland counties and the State to redress the segregation of people with disabilities, especially those of color. Under the federal Fair Housing Act,¹ and Maryland's Fair Housing Act,² the State has an obligation to affirmatively reduce the segregation of persons with disabilities created by decades of public policy. HB 90 would provide data that would be necessary to make that obligation a reality.

The lack of safe, decent, affordable, and accessible housing remains a significant barrier to people with disabilities moving from institutional settings to the community.³ Obtaining safe, affordable and accessible housing can provide the foundation for community integration, economic mobility, and improved quality of life for people with disabilities.⁴

However, individuals with disabilities continue to face disproportionately high levels of discrimination in housing. Disability discrimination complaints make-up 55%, the largest basis for complaints, made to federal, state and local agencies.⁵ Other reports reinforce the continued discrimination faced by people with disabilities in housing.⁶

Further, racial discrimination and discrimination against people with disabilities work in tandem. According to the CDC, one in four African-American adults have a disability compared to one in

¹ 42 U.S.C. 3608(d).

² Md. Ann. Code, State Gov't, 20-709.

³ See MARYLAND DEPARTMENT OF DISABILITIES, MARYLAND STATE DISABILITIES PLAN, 2016-2019 12-13 (2016), available at [http://mdod.maryland.gov/pub/Documents/post%20sdp%20\(1\).pdf](http://mdod.maryland.gov/pub/Documents/post%20sdp%20(1).pdf).

⁴ PUBLIC AND AFFORDABLE HOUSING RESEARCH CORPORATION. 2016. HOUSING IS A FOUNDATION: 2016 PAHRS REPORT. CHESHIRE, CT: HAI GROUP. https://www.novoco.com/sites/default/files/atoms/files/pahrc_2016_housing_report_080216.pdf

⁵ NATIONAL FAIR HOUSING ALLIANCE, THE CASE FOR FAIR HOUSING: 2017 FAIR HOUSING TRENDS REPORT. In FY 2020, 82% of all housing cases received by the Maryland Commission on Civil Rights alleged disability discrimination. MARYLAND STATE COMMISSION ON CIVIL RIGHTS, 2020 ANNUAL REPORT, available at https://mccr.maryland.gov/Documents/MCCR_AnnualReport2020_Digital_FINAL.pdf

⁶ EQUAL RIGHTS CENTER, DISCONNECTED: HOUSING DISCRIMINATION AGAINST THE DEAF AND HARD OF HEARING (2012), available at <https://deldhub.gacec.delaware.gov/pdf/Disconnected.pdf>; UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF POLICY DEVELOPMENT AND RESEARCH, RENTAL HOUSING DISCRIMINATION ON THE BASIS OF MENTAL DISABILITIES: RESULTS OF A PILOT TEST, <https://www.huduser.gov/portal/sites/default/files/pdf/MentalDisabilities-FinalPaper.pdf>



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five white adults; a number exacerbated by historical housing discrimination and high rates of exposure to lead paint poisoning.⁷ For example, in Southwest Baltimore the population is 75% African-American due to historical segregation, and that area had a 37% lead paint violation rate in 2017.⁸ Compare that to the Roland Park neighborhood of Baltimore, which is 82% white, only has a 1.5% lead paint violation rate in 2017.⁹ Racial segregation compounds health inequities and contributes to the institutionalization and segregation of persons with disabilities.

As set forth in the preamble of this legislation, a purpose of HB 90 is to “ensure [Maryland is] implementing and enforcing the abolished federal Affirmatively Furthering Fair Housing regulations.” The regulations referenced were drafted in response in part to a General Accounting Office (GAO) report that prior process to implement the “affirmatively furthering fair housing” requirement, which relied on an Analysis of Impediments (AI), was ineffective.¹⁰ The 2015 rule remedied this gap by instituting a community-centered process to analyze patterns and causes of segregation as well as neighborhood disparities, and to set actionable goals to promote greater integration and equity.

It should be noted that affordable housing development and creation of more affordable housing does not necessarily create integrated housing opportunities for people with disabilities, including those of color.¹¹ Removing barriers to housing choice should be driven by facts, data, and the experiences of persons who continue to face barriers to housing choice.

HB 90 provides tools needed to achieve that goal. For these reasons, DRM encourages a **favorable** report.

Please do not hesitate to contact me with any questions regarding this matter.

David A. Prater
Managing Attorney
Disability Rights Maryland
1500 Union Ave.
Suite 2000
Baltimore, MD 21211
davidp@disabilityrightsmd.org
443-692-2500

⁷ CENTER FOR DISEASE CONTROL, *ADULTS WITH DISABILITIES: ETHNICITY AND RACE*, available at <https://www.cdc.gov/ncbddd/disabilityandhealth/materials/infographic-disabilities-ethnicity-race.html>

⁸ BALTIMORE CITY HEALTH DEPARTMENT, *BALTIMORE CITY 2017 NEIGHBORHOOD HEALTH PROFILE*, available at <https://health.baltimorecity.gov/neighborhoods/neighborhood-health-profile-reports>

⁹ *Id.*

¹⁰ U.S. Government Accountability Office (GAO) “HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans,” GAO–10–905, Sept. 14, 2010.