

State of Maryland

Commission on Civil Rights

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



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January 26, 2021

House Bill 90 – State and Local Housing Programs – Affirmatively Furthering Fair Housing POSITION: Support

Dear Chairperson Barve, Vice Chairperson Stein, and Members of the House Environment & Transportation 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, physical and mental disability, and source of income.

House Bill 90 requires the Department of Housing and Community Development to report the total number of households receiving certain forms of financial assistance disaggregated by race, disability status, and income to the General Assembly and the Governor by December 1 each year. It also requires the Department to administer its programs related to housing and community development to affirmatively further fair housing, while prohibiting the Department from taking any action that is materially inconsistent with the duty to affirmatively further fair housing.

The Fair Housing Act of 1968 contained two key provisions: (1) protecting individuals from unlawful housing discrimination on the basis of race, color, religion, national origin, sex, family status or disability, and (2) directing the U.S. Department of Housing & Urban Development (“HUD”) to ensure that neither the agency itself, nor the cities, states, counties, and public housing agencies it funds, discriminate in their programs. According to the National Fair Housing Alliance, “Congress intended that HUD programs be used to expand housing choices and help make all neighborhoods places of opportunity, providing their residents with access to the community assets and resources they need to flourish.”¹ In 2015, HUD issued new regulations to implement the affirmatively furthering fair housing requirements of the Fair Housing Act. However, in 2018, HUD effectively suspended the implementation of the 2015 regulations until after October, 2020.

¹ <https://nationalfairhousing.org/affirmatively-furthering-fair-housing/>

Maryland's fair housing law enshrined in State Government Article, §20-702, *Annotated Code of Maryland*, reads: "It is the policy of the State to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, or source of income; and to that end, to prohibit discriminatory practices with respect to residential housing by any person, in order to protect and insure the peace, health, safety, prosperity, and general welfare of all." As the state agency charged with enforcing Maryland's fair housing law, MCCR believes that the objectives of affirmatively furthering fair housing in the 1968 Fair Housing Act – which is carried out by our partner the Maryland Department of Housing & Community Development – should be stable, statutory policies instead of regulatory programs that may be subject to changing emphasis across national administrations. House Bill 90 lays the foundation for that stability and continued emphasis by our state and counties in carrying out the objectives of affirmatively furthering fair housing.

For these reasons, the Maryland Commission on Civil Rights strongly urges a favorable vote on HB90. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.