



**Bill No:** HB1239 - Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect

**Committee:** Judicial Proceedings Committee

**Date:** March 26, 2025

**Position:** Favorable with Amendments

**Joint Testimony on House Bill 1239 from the Apartment and Office Building Association of Metropolitan Washington and the Maryland Multi-Housing Association**

This testimony is offered on behalf of the members of the Apartment and Office Building Association of Metropolitan Washington (AOBA) and the Maryland Multi-Housing Association (MMHA). AOBA is a non-profit trade association representing more than 133,000 apartment units in Montgomery and Prince George's Counties. MMHA is a professional trade association established in 1996, whose members house more than 538,000 residents of the State of Maryland. MMHA's membership consists of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities and more than 250 associate member companies who supply goods and services to the multi-housing industry.

House Bill 1239 would authorize the Maryland Department of Housing and Community Development to adopt regulations to affirmatively further fair housing and prohibit a person from acting in a manner that has a discriminatory effect against a person related to the sale or rental of a dwelling. The bill provides that housing providers can be held responsible for potential discriminatory housing practices regardless of intent. While AOBA and MMHA support the sponsor's intent to eliminate any form of discriminatory practices, the industry is concerned with a new legal standard based on the overly broad nature of intent.

The Attorney General's Office's (AGO) written testimony for the House hearing provided examples of discrimination but failed to highlight the federal guidance and local laws that prevent those actions from being discriminatory. The AGO cites bedroom occupancy standards, criminal background screenings, evictions against victims of domestic violence, and disability-related requests as potential discriminatory practices. However, the 1998 Keating memo makes clear that bedroom occupancy standards are

not discriminatory against familial status.<sup>1</sup> Montgomery and Prince George's Counties, along with countless other jurisdictions around the country, have laws that allow screening of prospective tenants based on criminal convictions. The federal government released an interagency statement in 2024 affirming the housing rights of survivors of domestic violence, dating violence, sexual assault, and stalking under the Violence Against Women Act (VAWA).<sup>2</sup> Lastly, disability-related needs are protected by the Fair Housing Act which prohibits the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling<sup>3</sup>.

AOBA and MMHA ask that "regardless of intent" be stricken from the bill. We note that federal case law and 42 U.S. Code Chapter 45 – Fair Housing already outlines what this bill appears to be trying to do, while covering intent, and that Maryland laws currently mirror the federal Law.<sup>4</sup> Moreover, on page 4, line 28, it states that a person has not violated a prohibition if the action was without discriminatory intent which is contradictory. Instead, it would be reasonable to also strike that language but include language on that same page, lines 31-32 (6)(b)(3) to read as follows:

**The person could not have accomplished the legitimate business necessity by equally valid and less discriminatory means.**

It is for these reasons that AOBA and MMHA respectfully request **a favorable report with amendments** on House Bill 1239. Please contact Brian Anleu at [banleu@aoba-metro.org](mailto:banleu@aoba-metro.org) or Ashley Clark at [ashley.clark@mdlobbyist.com](mailto:ashley.clark@mdlobbyist.com) with any questions or concerns.

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<sup>1</sup> [https://www.hud.gov/sites/documents/doc\\_7780.pdf](https://www.hud.gov/sites/documents/doc_7780.pdf)

<sup>2</sup> <https://www.hud.gov/vawa#close>

<sup>3</sup> [huddojstatement.pdf](https://www.hud.gov/sites/documents/huddojstatement.pdf)

<sup>4</sup> <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter45&edition=prelim>