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The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Testimony of Trans Maryland

IN SUPPORT OF

Senate Bill #274: Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect

To the Chair, Vice Chair, and esteemed members of the Judicial Proceedings Committee:

Trans Maryland is a multi-racial, multi-gender community power building organization for Maryland's trans community. In addition to our work running the state's largest name and gender marker change program, in which we offer peer-to-peer guidance and financial assistance to Marylanders seeking a name and gender marker change, we also regularly work with transgender and gender diverse Marylanders who are experiencing housing instability. As part of this work, innumerable transgender Marylanders have detailed to us the barriers they face when trying to access housing.

Accessing housing is a huge issue for many people across the state, especially for transgender people who oftentimes experience extra discrimination due to their gender identity and other factors that are common within the LGBTQ+ community. At least 1 in 5 transgender people face housing discrimination and the same percentage have experienced homelessness at least once in their life ([Advocates for Trans Equality](#)).

Prohibiting discriminatory practices regardless of the intent is not a new concept in Maryland law. Under [Maryland employment law](#), discriminatory intent is not necessary to determine if a system, policy, or practice harms or disadvantages a protected group of people under disparate impact. It is only logical to extend this understanding to Housing Regulations as the goal of both is the same: to ensure that people in Maryland have equal opportunities for living and thriving within our state. The supposed intent behind discriminatory actions does not change the harm that is caused to already marginalized communities.

An example of disparate impact provided by the [Maryland Office of the Attorney General](#) is an employer refusing to hire someone solely due to them having a criminal record. The fact sheet focuses on the impact that hiring bans would negatively impact people of color due to disparities in the criminal justice system, the exact same disparities that impact members of the transgender community as about [1 in 6 transgender people](#) have been incarcerated at some point. While this



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example is based on employment law, there is no reason to assume that the exact same processes and biases do not have an impact on housing for marginalized communities.

For these reasons, we urge a favorable report on Senate Bill 274.