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SB 274 – Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect

Hearing before the Senate Judicial Proceedings Committee on February 3, 2026

Position: FAVORABLE

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC advocates for systemic change to build a just society.

PJC supports **SB 274** and asks for a favorable report because every Marylander should have access to affordable and accessible housing in thriving neighborhoods, free from discrimination. **SB 274** would strengthen state fair housing laws by codifying existing protections against policies that have unjustified discriminatory effects and by ensuring Maryland takes proactive steps to combat housing discrimination and overcome patterns of housing segregation.

SB 274 would:

- Strengthen state fair housing by explicitly including disparate impact discrimination in Maryland fair housing law, and;
- Mandate housing authorities and other entities to affirmatively further fair housing in Maryland.

This Disparate Impact analysis has been used for over 70 years in ensuring that landlords are not discriminating against renters because of their protected status. Because of the Trump Administration's war on equal protection, it is a must that Maryland step up and ensure these protections are enshrined in state law.

[Disparate Impact Protections Help Ensure Black Families and Other Protected Groups Can Have Safe, Affordable Housing of Choice](#)

Disparate impact discrimination occurs when a policy or practice disproportionately harms a group of people with a legally protected characteristic (like race, sex (including sexual orientation and gender identity), national origin, religion, familial status, and disability) and there is either no legitimate reason

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for that policy or practice or another policy or practice would achieve the same goals without causing those harms. Where a person lives often determines the opportunities they have, from where they go to school to the quality of the air they breathe. But decades after the passage of the federal Fair Housing Act, many communities are still segregated by race, and too many people struggle to get housing in the neighborhoods of their choice because they have children, live with a disability, or face other barriers.

Specifically, Black Communities Still Experience Outsized Barriers When Trying to Access Housing

America remains residentially segregated, with access to quality schools, clean environments, and community resources distributed unequally according to race. Because of historical and ongoing discrimination, there is a large and growing racial homeownership gap. Black families in the United States had a homeownership rate of 46.4% compared to 75.8% of white families. In Maryland, racial homeownership gap is even higher: while the white homeownership rate is 77%, the Black homeownership rate is 51%. In majority Black Baltimore, the Black homeownership gap is 30.1%.

The Trump Administration Has Gutted Disparate Impact Enforcement at the Federal Level. Maryland MUST step up!

The Trump administration is rolling back guidance and key federal regulations that help prevent housing discrimination. President Trump signed an Executive Order in April 2025 that directed all federal agencies to eliminate disparate impact protections. In January 2026, the U.S. Department of Housing and Urban Development (HUD) proposed rescinding its long-standing regulations governing disparate impact liability under the federal Fair Housing Act. HUD has also rescinded federal guidance related to disparate impact liability. While these actions don't change the federal Fair Housing Act, this rollback will make it more likely that the people of Maryland will face unlawful discrimination and make it harder for them to challenge discriminatory policies. HUD's decision to roll back its disparate impact regulations, that are designed to help enforce the law, makes it more difficult for marginalized communities to address systemic housing discrimination and leaves them vulnerable during a fair and affordable housing crisis.

Rooting Out Disparate Impact Discrimination Benefits All Marylanders

Housing providers, financial institutions, and municipalities should ensure every Marylander has a fair shot to obtain safe, secure, and affordable housing in a thriving community free from discrimination. Disparate impact is a fundamental tool to root out and remedy policies and practices that unfairly harm protected classes (race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability). Studies have shown that discrimination restricts markets and causes economic inefficiencies, while fair practices for all free from discrimination benefits businesses and municipalities. Several studies have shown that discrimination leads to inefficiencies in resource allocation and market performance.

To Protect Marylanders from a Rogue Trump Administration, Maryland Should Enshrine State-Level Protections.

Public Justice Center **urges a favorable report on SB 274**. If you have any questions, please contact Albert Turner, turnera@publicjustice.org (410) 625-9409 Ext. 250.