



Bill No: SB274 - Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect

Committee: Judicial Proceedings Committee

Date: February 3, 2026

Position: Favorable with Amendments

Joint Testimony on Senate Bill 274 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.

Senate Bill 279 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. 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 and contradictory use of "intent."

In the 2025 session, similar legislation was proposed (HB1239), where the Attorney General's Office's (AGO) 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 cited bedroom occupancy standards, criminal background screenings, evictions against victims of domestic violence, and disability-related requests as potential discriminatory practices. In anticipation of similar testimony related to this bill, we would like to highlight that the 1998 Keating memo makes clear that bedroom occupancy standards are not

discriminatory against familial status.¹ Montgomery and Prince George’s Counties, along with countless other jurisdictions around the country, already 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).² 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 dwelling³.

As such, AOBA and MMHA would like to request a few amendments. First, we would like to strike a portion of the definition of “discriminatory effect” found on page 3, lines 18 and 19 which reads: “or creates, increases, reinforces, or perpetuates segregated housing patterns.” We believe that enforcement would not only be difficult to execute but also that the combination of low housing supply, concentration of certain jobs, and familial ties, are factors that determine why and where an individual chooses to reside.

Secondly, we ask that “regardless of intent” be stricken from the bill (page 3, lines 28-29 and page 4, line 8). 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 .⁴ Thirdly, on page 5, line 1, it states that a person has not violated a prohibition if “the action was without discriminatory intent.” This language contradicts the earlier language of “regardless of intent.” Lastly, we would like to change the language on page 5, lines 4-6 to read as follows:

The person could not have achieved the substantial, legitimate, OR nondiscriminatory interests by less discriminatory means.

It is for these reasons that AOBA and MMHA respectfully request **a favorable report with amendments** on Senate Bill 274. Please contact Brian Anleu at banleu@aoba-metro.org or Ashley Clark at ashley.clark@mdlobbyist.com with any questions or concerns.

¹ https://www.hud.gov/sites/documents/doc_7780.pdf

² <https://www.hud.gov/vawa#close>

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

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