

SB 274 FAV.pdf

Uploaded by: Albert Turner

Position: FAV



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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

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

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.

SB0274_Fair_Housing_and_Housing_Discrimination_Reg

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0274

Fair Housing and Housing Discrimination – Regulations, Intent, and Discriminatory Effect

Bill Sponsor: Senator Sydnor

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: **FAVORABLE**

I am submitting this testimony in favor of SB0274 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Being able to afford a house is a dream that most people have. Buying a house is often the first step towards real financial independence. However, housing discrimination is very real, and sometimes Marylanders are not able to buy a home because of that discrimination. There are plenty of laws on the books for issues related to discrimination in Maryland. We are generally a very caring and accepting society. But the flaw is usually intention. People who discriminate say that they didn't 'intend' to discriminate, and it's really hard to enforce laws in these cases.

This bill, if enacted, would prohibit such discrimination in housing regardless of intent. There is only one exception:

- the action was without discriminatory intent;
- the action was necessary to achieve one or more substantial, legitimate, and nondiscriminatory interests; and
- the person could not have achieved the substantial, legitimate, and nondiscriminatory interests by less discriminatory means.

This is a very small window, and would require the person discriminating to prove that their discrimination fit into that small exception. Otherwise, discrimination that even if unintentional and non-explicit but has a discriminatory effect, will not be legal.

We support this bill and recommend a **FAVORABLE** report in committee.

03_SB 274 Testimony - Sydnor - JPR.pdf

Uploaded by: Charles Sydnor III

Position: FAV

CHARLES E. SYDNOR III, ESQ.
Legislative District 44
Baltimore County

DEPUTY MAJORITY WHIP

Judicial Proceedings Committee
Executive Nominations Committee
Legislative Policy Committee

Joint Committees

Administrative, Executive, and
Legislative Review
Children, Youth, and Families
Senate Chair, Legislative Ethics



THE SENATE OF MARYLAND
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**Testimony for SB 274
Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect
Before the: Judicial Proceedings Committee
February 3, 2026**

Good afternoon Chair Smith, members of the committee.

As the current federal administration works to end fair housing protections,¹ it is more important than ever to provide explicit remedies to discrimination in housing. Last July, following a federal Executive Order denouncing disparate impact litigation,² ProPublica reported that the US Department of Housing and Urban Development planned to drop seven major housing discrimination cases. Some of these investigations had already formally found instances of discrimination; all of them made claims of disparate impact discrimination.³

Disparate impact discrimination occurs when a policy or practice disproportionately and unjustifiably harms a protected class, even when the policy or practice doesn't appear to be discriminatory on first glance.⁴ Disparate impact discrimination does not require an individual or entity to intend to discriminate; rather, it uses apparently neutral practices to “freeze the status quo” of prior discriminatory practices.⁵ As the Maryland Supreme Court wrote in the 2024 case *Hare v. David S. Brown Enterprises*, disparate impact theory “recognizes that at times, treating

Commented [CS1]: Why apparently?

Commented [CS2R1]: If a practice has a discriminatory impact it's not actually neutral!

¹ Debra Kamin, *Trump Appointees Roll Back Enforcement of Fair Housing Laws*, New York Times (Sep. 22, 2025), <https://www.nytimes.com/2025/09/22/realestate/trump-fair-housing-laws.html>.

² Exec. Order No. 14,281 of April 23, 2025.

³ Jesse Coburn, *Trump Administration Prepares to Drop Seven Major Housing Discrimination Cases*, ProPublica (Jul. 18, 2025), <https://www.propublica.org/article/trump-hud-drop-housing-discrimination-cases-housing-pollution>

⁴ Congressional Research Service, *What is Disparate Impact Discrimination?*, In Focus (Jul. 9, 2025), <https://www.congress.gov/crs-product/IF13057>.

⁵ *Griggs v. Duke Power Co.*, 401 U.S. 424, 430 (1971).

things that are different in meaningful ways as though they are the same can perpetuate discrimination.”⁶

In a 2015 case in Texas, the United States Supreme Court held that disparate impact could prove housing discrimination under the Fair Housing Act.⁷ The Maryland Supreme Court ruled similarly in *Hare*, concluding that disparate impact was an appropriate framework to consider claims brought under the state’s equivalent of the Fair Housing Act.⁸ Senate Bill 274 codifies in Maryland law these protections against housing discrimination affirmed in both the federal and state courts.

First, SB 321 explicitly empowers our Department of Housing and Community Development to issue regulations that affirmatively further fair housing.⁹ It defines discriminatory effect as an effect that actually or predictable has a disparate impact on a group of people based on a number of protected classes¹⁰ and clarifies that Maryland prohibits disparate impact discrimination in housing.¹¹

Section 20-705(a) of this bill states that the intent of a person accused of housing is irrelevant to determining whether discrimination took place. It also adds a provision prohibiting instances of discrimination that do not fall neatly into the already-listed categories, recognizing that statutes cannot predict every form of housing discrimination.

Additionally § 20-705(b) of the bill allows a person accused of disparate impact discrimination a defense. If the accused can prove their practices, even if their conduct had a disparate impact on a protected class, (1) were not intended to discriminate; (2) achieved a substantial, legitimate, and nondiscriminatory legitimate goal; and (3) were the only way to achieve that acceptable goal, they may not be found liable,

SB 274 enshrines fair housing protections for Marylanders and provides tools for individuals and localities to pursue justice in housing. As such, I am requesting a favorable report on SB 274.

⁶ *Hare v. David S. Brown Enterprises*, 340 A.3d 698, 712 (Md. 2025).

⁷ See *Texas Dep’t of Housing and Community Affairs v. Inclusive Communities Project*, 576 U.S. 519 (2015).

⁸ *Hare v. David S. Brown Enterprises*, *supra*, 712.

⁹ See proposed § 2-402(d) of the Housing and Community Development Article.

¹⁰ See proposed § 20-701(b-1) of the State Government Article.

¹¹ See proposed § 20-702(a)(2) of the State Government Article.

SB0274 - Fair Housing and Housing Discrimination -

Uploaded by: Charlotte Hoffman

Position: FAV



Charlotte Persephone Hoffman, Esq. (they/she)
Policy Director
charlotte@transmaryland.org

Friday January 30, 2026

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.

SB274

Uploaded by: Chuck Cook

Position: FAV

DATE: February 3, 2026
BILL NO.: Senate Bill 274
TITLE: Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect
COMMITTEE: Senate Judicial Proceedings Committee

Letter of Support

Description of Bill:

SB 274 authorizes the Department of Housing and Community Development to adopt regulations to carry out its programs and activities related to the agency's commitment to affirmatively further fair housing. The legislation also prohibits a person from acting "in a manner that has a discriminatory effect against a person in the terms, conditions, or privileges of the sale or rental of a dwelling [and provision of services] ...because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status. This prohibition applies regardless of the stated intent of the accused unless "the action was justified by a legitimate business necessity" and "the person could not have achieved the substantial, legitimate, and nondiscriminatory interests by less discriminatory means".

Background and Analysis:

DHCD currently has a reporting requirement in the AFFH statute (hcd § 2-402 and § 2-302). This report discusses:

- The efforts by the State, political subdivisions, and housing authorities to promote fair housing choice and racial and economic housing integration, and the results of those efforts, delineated by county; and
- Any assessment of fair housing required under § 3-114(d)(2) of the Land Use Article completed since the most recent report, including any assessment of fair housing completed or revised under the federal Department of Housing and Urban Development's most recently published affirmatively furthering Fair Housing Rule.

Allowing DHCD to write regulations to carry out the AFFH statute will ensure that a priority of the Moore-Miller administration, and a public good for the state, is protected under state law. As the Department of Housing and Urban Development rescinds AFFH guidance at the federal level, it is imperative that the State responds by enshrining those priorities.

DHCD's ability to combat discrimination, whether in overcoming patterns of segregation or fostering "inclusive communities that are free from barriers that restrict access to housing and opportunity based on a protected characteristic" is also given clarity with the provision to prohibit discriminatory acts regardless of intent. In specifying that intent is not enough to defend a discriminatory act, the state would be rightfully providing the most protections for the most vulnerable.

DHCD Position

The Department of Housing and Community Development respectfully requests a **favorable** report on SB 274.

CDN SB 274 FAVORABLE.pdf

Uploaded by: Claudia Wilson Randall

Position: FAV



Testimony
SENATE BILL 274
SENATE JUDICIAL PROCEEDINGS COMMITTEE
February 3, 2026
Position: FAVORABLE

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Community Development Network of Maryland (CDN) is the voice for Maryland's community development sector and serves nearly 200 member organizations. CDN—focuses on small affordable housing developers, housing counseling agencies and community-based non- profits across the state of Maryland. The mission of CDN is to promote, strengthen and advocate for the community development sector throughout Maryland's urban, suburban and rural communities.

SB 274 would mandate housing authorities and other entities to affirmatively further fair housing in Maryland and codify liability for disparate impact discrimination in Maryland fair housing law.

Too many communities remain segregated by race, and too many people struggle to get housing in communities of their choice because they have children, live with a disability or face other barriers. Affirmatively furthering fair housing (AFFH) is a legal obligation requiring housing authorities and political subdivisions to take meaningful, proactive steps to combat discrimination, overcome patterns of segregation, and create inclusive communities.

AFFH does not mandate any specific action by localities but instead requires them to take a hard look at their policies and practices, consult with their communities, and identify solutions to issues that keep people locked out of opportunity.

Disparate impact discrimination occurs when a policy or practice disproportionately harms a group of people with a legally protected characteristic (like race, sex, or disability) under civil rights law and there is either no legitimate reason for that policy or practice or another policy or practice would achieve the same goals without causing those harms. Prohibiting disparate impact discrimination benefits everyone who is unfairly barred by unjustified policies and ensures housing providers and other entities make decisions based on what really matters.

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 practices that unfairly harm protected classes (like race, sex including sexual orientation and gender identity), or disability).

The Trump administration has abandoned longstanding federal regulations related to fair housing and has started to pick and choose which fair housing laws to enforce. Maryland must take action to protect its residents through state-level protections.

The Maryland Supreme Court ruled the Maryland Fair Housing Act is allowed to prohibit disparate impact discrimination; SB 274 would add this court decision as a MD statute. In *Hare v. David S. Brown Enterprises, Ltd* the Maryland Supreme Court held that disparate impact claims are available under the Maryland State Fair Housing Act. SB 274 would add the Hare decision in state law and create clear mechanisms on how to address complaints. Having a statutorily codified standard creates predictability rather than having courts figure out through case law on how to best address complaints.

We urge a favorable report for SB 274.

Submitted by Claudia Wilson Randall, Executive Director, Community Development Network of MD

LDF SB 274 written testimony FINAL.pdf

Uploaded by: David Wheaton

Position: FAV



**Written Testimony of David Wheaton
Assistant Policy Counsel
NAACP Legal Defense and Educational Fund, Inc.**

**Submitted to the Judicial Proceedings Committee of
the Maryland State Senate
In Connection with the February 3, 2026, Hearing**

My name is David Wheaton, and I am an attorney with the Legal Defense Fund (LDF). LDF offers the following testimony in support of Senate Bill 274, which would strengthen state fair housing laws and provide guidance to Maryland cities, counties, and housing authorities on proactive steps to combat housing discrimination and overcome patterns of housing segregation.

Every Marylander should have access to safe, affordable, and accessible housing in thriving neighborhoods, free from discrimination. Unfortunately, the Trump administration has rolled back key federal regulations that prevent housing discrimination and encourage local housing authorities to create thriving neighborhoods for all people. Now more than ever, Maryland must protect its residents in light of the Trump administration's rollback of key fair housing policies. LDF urges the Judicial Proceedings Committee to issue a favorable report on SB 274.

Founded in 1940 by Thurgood Marshall, LDF is the nation's oldest racial justice law organization. Since its inception, LDF has worked to ensure fair housing opportunities for Black communities. Some of LDF's early victories in the Supreme Court stemmed from cases such as *Shelley v. Kraemer*, 334 U.S. 1 (1948), and *McGhee v. Sipes*, 334 U.S. 1 (1948), which held that state enforcement of racially-restrictive covenants violated the Equal Protection Clause. In the decades since those victories, LDF has continued to challenge public and private policies and practices that deny Black people safe, livable housing free from discrimination.

This testimony will address: 1) the barriers Black communities face when trying to access housing; 2) how SB 274 strengthens Maryland fair housing law and will help Maryland overcome ongoing residential segregation; and 3) how the current Trump administration has abandoned longstanding federal regulations related to fair housing and finally how SB 274 pushes back.

I. Black Communities Face Barriers When Trying to Access Housing.

Where a person lives often determines the opportunities they have, from where they attend to school to the quality of the air they breathe. But decades after the passage of the federal Fair Housing Act of 1968, many communities are still segregated by race,¹ and too many people struggle to access housing in the neighborhoods of their choice because they have children, live with a disability or face other barriers. Today’s barriers result from policies that perpetuate the harms of intentional discriminatory government policies and ongoing discriminatory conduct.

For decades, the federal government encouraged housing discrimination against Black communities through explicitly racist policies and practices.² For example, the former Federal Home Owners’ Loan Corporation (HOLC) used color-coded maps to represent the perceived risk of lending in particular neighborhoods, with “hazardous” (the highest risk) areas coded in red.³ HOLC routinely gave Black communities a “hazardous” rating, discouraging lending in those “redlined” areas.⁴ In Baltimore, for example, while white neighborhoods tended to fall within the higher ranking green- and blue-colored grades, most Black neighborhoods were almost exclusively redlined.⁵ State and local governments also played a role in encouraging housing discrimination against Black communities. Baltimore City Ordinance 610, known as the West Plan, passed by the City of Baltimore in December of 1910, stated no Black resident could move to a block where more than half of the residents were white and vice versa.⁶

Black people continue to struggle to find safe, stable, and affordable housing in the neighborhoods of their choice as a result of historical and ongoing discrimination.

- Black communities in Maryland still experience the harms of redlining and other intentionally exclusionary policies.⁷ Black people are more likely to live in segregated neighborhoods than any other racial or ethnic group in the United States.⁸ Moreover, Black people still disproportionately live in formerly redlined areas, which tend to have fewer resources than other areas.⁹ Research from the University of Maryland School of

¹ Jorge Andres Soto, *Persistent Acts of Housing Discrimination Perpetuate Segregation*, New York University - Furman Center, (December 2016), <https://furmancenter.org/research/iri/essay/persistent-acts-of-housing-discrimination-perpetuate-segregation>

² Danyelle Solomon, et al., *Systematic Inequality: Displacement, Exclusion, and Segregation How America’s Housing System Undermines Wealth Building in Communities of Color*, Center for American Progress, (August 2019), <https://www.americanprogress.org/wp-content/uploads/sites/2/2019/08/StructuralRacismHousing.pdf>

³ Id.

⁴ Richard Rothstein, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* (2017).

⁵ David Armenti and Alex Lothstein, *Baltimore’s Pursuit of Fair Housing: A Brief History*, Maryland Center for History and Culture, (2020), <https://www.mdhistory.org/baltimores-pursuit-of-fair-housing-a-brief-history/#:~:text=During%20the%20early%201900s%2C%20white.against%20and%20segregate%20Black%20Baltimoreans.>

⁶ Garrett Power, *Apartheid Baltimore Style: the Residential Segregation Ordinances of 1910-1913*, 42 Md. L. Rev. 289 (1983) Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol42/iss2/4>

⁷ Kelly Blake, *UMD Study Shows Lower Life Expectancy in Redlined Neighborhoods*, University of Maryland: Maryland Today, (January 19, 2022), <https://today.umd.edu/umd-study-shows-lower-life-expectancy-in-redlined-neighborhoods#:~:text=UMD%20Study%20Shows%20Lower%20Life, stark%20disparities%20to%20this%20day.>

⁸ Solomon Greene, Margery Austin Turner, & Ruth Gourevitch, *Racial Residential Segregation and Neighborhood Disparities*, Urban Institute (Aug, 2017), <https://www.urban.org/sites/default/files/publication/92961/racial-residential-segregation-and-neighborhood-disparities.pdf>

⁹ Nadia Lathan, *50 years After Being Outlawed, Redlining Still Drives Neighborhood Health Inequities*, UC Berkeley School of Public Health, (September 20, 2023), <https://publichealth.berkeley.edu/articles/spotlight/research/50-years-after-being-outlawed-redlining-still-drives-neighborhood-health-inequities>

Public Health, shows people currently residing in redlined areas suffer from lower life expectancy than those living in areas with green or blue grades.¹⁰

- There is a large and growing racial homeownership gap. In 2021, Black families in the U.S. had a homeownership rate of 46.4% compared to 75.8% of white families.¹¹ In Maryland, racial homeownership gap is even higher: while the white homeownership rate is 77%, the Black homeownership rate is 51%.¹² In majority Black Baltimore, the Black homeownership gap is 30.1%.¹³
- Communities of color are more likely to have lower credit scores because historically, they've been denied affordable financial services and wealth-building opportunities.¹⁴ Black households also have the highest eviction removal count in Maryland—almost three times higher than the white resident eviction rate.¹⁵ Because landlords often review credit scores or eviction history in determining whether to rent to a prospective tenant, Black renters can face disproportionate barriers in accessing rental housing.

SB 274 will help remedy decades-long exclusion of Black residents, other residents of color, people with disabilities, and other protected classes who have experienced historic and present-day discrimination. The legislation will also help ensure there are fair and affordable housing opportunities and stronger, more viable neighborhoods for Black residents and members of other protected classes.

II. SB 274 Strengthens Maryland Fair Housing Law and Will Help Maryland Overcome Patterns of Housing Segregation.

SB 274 codifies liability for disparate impact discrimination in Maryland fair housing law and permits the Maryland Department of Housing and Community Development (DHCD) to issue guidance on how counties, cities, and housing authorities must affirmatively further fair housing (AFFH) in Maryland. Both disparate impact liability and AFFH regulations are essential tools to addressing housing discrimination and decreasing residential segregation.

A. Disparate Impact Liability is Crucial for Preventing Housing Discrimination.

The federal Fair Housing Act prohibits not only intentional discrimination, but also policies with unjustified discriminatory effects—what is known as disparate impact

¹⁰ Id.

¹¹ Rashawn Ray, Andre Perry, & David Harshbarger, *Homeownership, Racial Segregation, and Policy Solutions to Racial Wealth Equity*, Brookings Inst. (Sept. 1, 2021), <https://www.brookings.edu/articles/homeownership-racial-segregation-and-policies-for-racial-wealth-equity/>

¹² Stateline, *Black Families Fall Further Behind on Homeownership*, Maryland Matters (Oct. 15, 2022), <https://www.marylandmatters.org/2022/10/15/black-families-fall-further-behind-on-homeownership/#:~:text=The%20overall%20homeownership%20rate%20is,Black%20homeownership%20rate%20is%2051%25.>

¹³ Id.

¹⁴ Abby Boshart, *How Tenant Screening Services Disproportionately Exclude Renters of Color from Housing*, The Urban Institute, (December 21, 2022), <https://housingmatters.urban.org/articles/how-tenant-screening-services-disproportionately-exclude-renters-color-housing#:~:text=Credit%20scores%20were%20another%20important,payments%2C%20or%20rental%20payment%20history.>

¹⁵ Tim Thomas, et al, *Baltimore Eviction Map*, The Eviction Study, (May 8, 2020), <https://evictionresearch.net/maryland/report/baltimore.html#:~:text=Black%20headed%20households%20had%20the.e.eviction%20rate%20of%205.2%25.>

discrimination.¹⁶ 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: 1) no legitimate reason for the policy or practice, or 2) another policy or practice would achieve the same goals without causing those harms. For decades, disparate impact has provided a legal remedy against zoning laws that excluded people of color,¹⁷ renter screening practices that hurt Black renters and applicants with other protected characteristics,¹⁸ and evictions that punish domestic violence survivors for calling 911.¹⁹

Disparate impact has been an essential tool for combating housing discrimination since the earliest days of the federal Fair Housing Act. Soon after the Act took effect, the Nixon administration challenged an ostensibly race-neutral zoning ordinance that had a unjustified discriminatory effect on Black people and would perpetuate segregation, leading an appellate court to affirm in 1975 that this was a proper use of the federal Fair Housing Act.²⁰ Other federal appellate courts—including the Fourth Circuit, which includes Maryland—followed suit.²¹ In 2015, the Supreme Court agreed, holding “disparate-impact claims are cognizable under the Fair Housing Act.”²²

Similarly, in *Hare v. David S. Brown Enterprises, Ltd*, 491 Md. 653 (2025), the Maryland Supreme Court recently ruled the Maryland Fair Housing Act prohibits disparate impact discrimination. The court found that a landlord’s minimum income requirement could unjustly discriminated against people who receive rental assistance because it did not account for the portion of the rent paid for by the government. However, these protections are not codified into law.

Disparate impact protections permit housing providers to rely on well-reasoned policies while protecting people from unjustified practices that cause disproportionate harm. Courts apply a burden shifting framework to determine if a facially-neutral policy unlawfully discriminates. Plaintiffs must first prove that discriminatory effects on a protected group are caused by a specific policy using robust statistical analysis. The burden then shifts to the defendant to prove the policy is necessary to meet a substantial, legitimate, nondiscriminatory interest. If successful, the plaintiff must then show a less discriminatory policy exists. Housing providers are never liable for disparate impact discrimination based on statistical disparities alone.

¹⁶ *Texas Dep’t of Housing & Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 545 (2015),

¹⁷ Lewyn, Michael (2022) “Recent Case Law, Disparate Impact, and Restrictive Zoning,” *Touro Law Review*: Vol. 38: No. 2, Article 6.

Available at: <https://digitalcommons.tourolaw.edu/lawreview/vol38/iss2/6>

¹⁸ *Louis et al. v. SafeRent et al.* 1:22-cv-10800 (D. Mass. 2023) (Court held that defendant SafeRent was subject to the FHA and that plaintiffs had alleged a plausible claim for disparate impact discrimination under the FHA for discriminating against Black and Brown renters)

¹⁹ *Briggs v. Borough of Norristown, et al.* (E.D. PA 2013) (The Norristown ordinance penalizes landlords and encourages them to evict their tenants when the police are called to a property three times in four months for “disorderly behavior,” including responding to incidents of domestic violence. Lakisha Briggs was threatened with eviction under this policy after she called the police for protection from her abusive ex-boyfriend. Plaintiffs alleged that the ordinance had a disparate impact on female tenants of properties in Norristown, such as Ms. Briggs, who are victims of domestic violence and, therefore, continues to discriminate on the basis of sex.)

²⁰ See *United States v. City of Black Jack*, 508 F.2d 1179 (8th Cir. 1975).

²¹ *Betsey v. Turtle Creek Assocs.*, 736 F.2d 983, 988-89 (4th Cir. 1984).

²² *Inclusive Communities*, 576 U.S. at 545.

Disparate impact prohibitions help all people achieve safe, stable, affordable housing free from discrimination. Eliminating disparate impact discrimination benefits everyone by removing unfair barriers that do not have a legitimate purpose. For example, a landlord policy that relies on credit scores to screen applicants with a housing choice voucher. That policy could have a disparate impact to Black voucher holders because we know that Black people disproportionately have lower credit scores due to lack of access. Eliminating those requirements benefits all renters who would otherwise have been excluded by those unnecessary policies.

SB 274 codifies the disparate impact liability framework, which has helped root out hidden discrimination, into Maryland state law. These protections are needed as Black people continue to face obstacles when trying to access safe, stable, and affordable housing. While the *Hare* decision found the Maryland Fair Housing Act prohibits disparate impact discrimination, having a statutorily-codified standard creates predictability for both housing providers and individuals alike. Codifying this standard is also beneficial because rather than having courts figure out on a case-by-case basis how to best address complaints codifying disparate impact gives courts a clear standard from which they should evaluate complaints.

B. AFFH Helps Maryland and Other Local Communities Reduce Residential Housing Segregation.

Just as disparate impact has long been a tool used to help decrease racial segregation in housing, so has the AFFH obligation under the federal Fair Housing Act. The federal Fair Housing Act's AFFH provision requires U.S. Housing and Urban Development (HUD) funding recipients to proactively take measures to foster inclusive communities, help remedy years of segregation and its consequences, and eliminate barriers to housing choice, in addition to combatting discrimination. While Maryland law has long required DHCD to ensure cities, states, and housing authorities AFFH, the agency has not issued regulations laying out how that obligation should be implemented.

AFFH has helped create fair and affordable housing opportunities and stronger, more viable neighborhoods for communities of color, low-income residents, and other groups across the country, including in Maryland. In the 1990s, LDF, the ACLU of Maryland, and other co-counsel sought to eradicate the legacy of racially segregated public housing in Baltimore, Maryland.²³ The lawsuit sought to show that HUD and the Baltimore region's public housing authorities discriminated against Black households and failed to affirmatively further fair housing by never offering low-income Black residents a meaningful opportunity to live in non-segregated areas of the Baltimore region. After years of litigation, a federal judge ruled that HUD violated the federal Fair Housing Act and had not affirmatively furthered fair housing by unfairly concentrating Black public housing residents in the most impoverished, segregated areas of Baltimore City.²⁴ The judge found HUD's programs "failed to achieve significant desegregation" in the Baltimore region. The settlement of the *Thompson* case included a number of key initiatives that have positively impacted many Maryland residents, including regional housing opportunities for low-income households in areas of opportunity in Baltimore City and the five surrounding counties.²⁵ The settlement also required HUD to provide

²³ NAACP Legal Defense Fund, Economic Justice: Case: *Thompson v. HUD*, (2012), <https://www.naacpldf.org/case-issue/thompson-v-hud/>

²⁴ *Id.*

²⁵ *Id.*

incentives for private housing developers to include affordable units for families when federally-insured, market-rate developments are built in communities of opportunity throughout the Baltimore Region.²⁶

Strengthening AFFH in Maryland will improve outcomes for all residents. Providing affordable and accessible housing in all communities, including well-resourced neighborhoods, and ensuring every neighborhood has access to resources like high-performing schools can be a powerful mechanism for increasing upward economic mobility for low-income households and breaking the cycle of intergenerational poverty. Research has shown that adults living in neighborhoods with lower poverty and more-educated neighbors experience better outcomes in employment, income, and physical health.²⁷ Children living in these neighborhoods experience better educational outcomes.²⁸

AFFH is an essential tool to addressing housing discrimination and decreasing residential segregation. SB 274 allows for DHCD to issue regulations related to AFFH in Maryland. Its passage will ensure the continuation of a robust infrastructure for regional collaboration around fair housing planning that started after the *Thompson* case. Permitting DHCD to issue AFFH regulations will give local jurisdictions more guidance and planning tools needed to identify and address fair housing challenges.

III. SB274 Is Urgently Needed Now that the Trump Administration Has Abandoned Longstanding Federal Fair Housing Regulations.

The Trump administration has rolled back guidance and key federal regulations that help prevent housing discrimination. These harmful changes include the administration's proposed termination of federal disparate impact regulations and their implementation of severely weakened AFFH rules. The Trump administration has also refused to investigate disparate impact discrimination cases and closed investigations and consent decrees involving disparate impact claims, even if they also included intentional discrimination claims.²⁹ While these actions do not change the federal Fair Housing Act, these rollbacks will make it harder for Maryland residents to challenge discriminatory housing policies while weakening Maryland's tools for taking proactive steps to combat housing discrimination and overcome patterns of housing segregation. Maryland needs to act now to help protect Maryland residents from the Trump administration's dangerous roll back of federal fair housing laws.

In April 2025, President Trump signed an executive order directing all federal agencies to eliminate disparate impact protections. In response, HUD dismissed investigations and rescinded guidance related to disparate impact. In January 2026, HUD proposed rescinding its long-standing regulations governing disparate impact liability under the federal Fair Housing Act. HUD's decision to withdraw guidance and rescind regulations means it will no longer rely on those positions for its own enforcement actions. Although HUD's guidance is not binding and cannot change or overrule court decisions, rescinding guidance documents removes an

²⁶ Id.

²⁷ Margery Austin Turner, et al, *Benefits of Living in High Opportunity Neighborhoods; Insights from the Moving to Opportunity Demonstration*, The Urban Institute, (September 2012), <https://www.urban.org/sites/default/files/publication/32821/412648-Benefits-of-Living-in-High-Opportunity-Neighborhoods.PDF>

²⁸ Id.

²⁹ Maxwell Evans, *Trump Administration Drops Civil Rights Cases On Environmental Justice, Affordable Housing*, Block Club Chicago, (August 8, 2025), <https://blockclubchicago.org/2025/08/08/trump-administration-drops-civil-rights-cases-on-environmental-justice-affordable-housing/>

important tool to help renters, homeowners, and landlords understand what is lawful under the Fair Housing Act and other federal laws.

Similarly, in May 2025, HUD rescinded its 2021 AFFH regulations, including key definitions, and replaced them with regulations that do not provide state and local jurisdictions with the tools needed to effectively affirmatively further fair housing. The 2025 Trump administration AFFH rule deprives state and local governments of meaningful planning tools needed to identify and address fair housing challenges. The 2025 AFFH rule also repealed the clear, strong definition of AFFH in the 2021 rule, which specified the duty to affirmatively further fair housing requires program participants to “consider existing segregation, including racial segregation, and other barriers to fair housing, and then take meaningful action to address them.”³⁰ This rollback will only worsen the fair and affordable housing crisis by taking important tools away from states and localities from addressing housing inequities.

Maryland must take action to protect its residents through state-level protections. SB 274 pushes back against the Trump administration’s blatant attempt to undermine housing discrimination and weaken regulations related to reducing housing segregation. SB 274 explicitly codifies disparate impact liability into state law so Maryland residents retain the right to file a state disparate impact claim in state court. Additionally, SB 274 allows for DHCD to issue regulations related to AFFH, filling the gap left by the Trump administration’s weakened AFFH rules.

IV. Conclusion

The state’s adoption of SB 274 would strengthen state fair housing laws by codifying existing protections against policies that have unjustified discriminatory effects. It would also give DHCD the authority to provide more guidance to counties, cities, and housing authorities about the proactive steps they can take to combat housing discrimination and overcome patterns of housing segregation. The Trump administration has abandoned longstanding federal regulations related to fair housing and has, instead, begun to pick and choose which fair housing laws it will enforce. These actions will hurt all Marylanders, but Black Marylanders and other marginalized communities will be harmed the most. Passage of SB 274 would increase protections for all Maryland residents while pushing back against the Trump administration’s attempt to prevent fair housing discrimination enforcement. LDF urges the Judicial Proceedings Committee to give a favorable report on SB 274.

Thank you for the opportunity to testify. If you have any questions, please contact David Wheaton, Assistant Policy Counsel, at dwheaton@naacpldf.org or Demetria L. McCain, Director of Policy, at dmccain@naacpldf.org.

³⁰ Affirmatively Furthering Fair Housing Rule, 80 FR 42272, (July 16, 2015), <https://www.federalregister.gov/documents/2015/07/16/2015-17032/affirmatively-furthering-fair-housing>; Restoring Affirmatively Furthering Fair Housing Definitions and Certifications, 86 Fed. Reg. 30,779 (June 10, 2021)

SB0274 Letter of Support - Congressman Glenn Ivey.

Uploaded by: Diana Fontaine

Position: FAV

GLENN IVEY
4TH DISTRICT, MARYLAND

COMMITTEE ON APPROPRIATIONS

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AND SCIENCE

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Congress of the United States
House of Representatives
Washington, DC 20515-2004

January 30, 2026

Senator William C. Smith, Jr.
Chair
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21041

Senator Jeff Waldstreicher
Vice Chair
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21041

Re: Letter of Support for MD SB0274 - Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect

Dear Chairman Smith and Vice Chairman Waldstreicher:

I write to express my support for MD SB0274, Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect. This legislation will help to prevent discriminatory and unlawful housing practices in the State of Maryland.

On January 14, 2026, the Trump administration issued a proposed rule, "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard." This rule is similar to a final rule of the same name issued during the first Trump administration on September 24, 2020, which was overturned by the Biden administration on March 17, 2023, through the publication of a Final Rule titled, "Restoring HUD's Discriminatory Effects Standard."

Discrimination based on race, gender, national origin, or ethnicity is inconsistent with the Constitution and fundamental American principles of equal protection under the law. Codifying SB0274 is an important step to preserve a workable discriminatory effects standard and promote a housing market free from intentional discrimination and discriminatory effects alike.

Securing stable, affordable, and non-discriminatory housing is a critical step in reducing poverty and achieving socioeconomic equity. I urge the Maryland State Senate to report SB0274 favorably out of the Judicial Proceedings Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Ivey", written over a white background.

Glenn F. Ivey
Member of Congress

SB274_Baltimore Regional Housing Partnership_FAV.p

Uploaded by: Emily Hovermale

Position: FAV



100 North Charles Street, 2nd floor
Baltimore, Maryland 21201

410-223-2222
www.brhp.org

February 3, 2026

Judicial Proceedings Committee
Maryland Senate
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Baltimore Regional Housing Partnership SUPPORT for SB 274 – Fair Housing and Housing Discrimination – Regulations, Intent, and Discriminatory Effect

Dear Chair Smith, Vice Chair Waldstreicher and Honorable Members of the Committee:

On behalf of the Baltimore Regional Housing Partnership (BRHP), thank you for the opportunity to testify in strong support of SB 274, legislation that helps ensure Maryland families have access to safe, affordable and accessible housing in thriving neighborhoods.

BRHP is a non-profit organization that expands housing choices for low-income families who have historically been excluded from housing in well-resourced neighborhoods by helping them access and transition successfully to safe, healthy, and economically vibrant communities. As the Regional Administrator for the Baltimore Housing Mobility Program, BRHP currently provides over 4,300 low-income families rental assistance in the form of Housing Choice Vouchers coupled with counseling support for families as they move from areas of concentrated poverty to areas of opportunity in Baltimore City and the five surrounding counties.

Our organization is a testament to the need for communities in Maryland to conduct data-driven analyses of discrimination and segregation in their jurisdictions. Our work in housing mobility began as a result of the landmark housing desegregation lawsuit *Thompson v. HUD*. In this 1995 lawsuit, the court ruled that HUD had violated fair housing law by failing to consider the history and presence of racial housing segregation in the city, reverse that segregation, and mitigate the harm caused by it.

Since *Thompson*, the Baltimore Housing Mobility Program has assisted over 6,000 families in their move from racially segregated areas of concentrated poverty to areas of opportunity where these families enjoy increased access to quality schools, job opportunities, and safety.

As the research¹ and our own experience documents, where a person lives often determines the opportunities they have, from where they go to school to the safety of their streets. Still, decades after the passage of the federal Fair Housing Act, too many people struggle to get housing in the neighborhoods of their choice because they pay with a voucher, have children, live with a disability, or face other barriers.

SB 274 helps address this issue by updating Maryland law in two essential ways:

1. **Mandating Affirmatively Furthering Fair Housing (AFFH).** The bill requires public agencies and jurisdictions to go beyond simply prohibiting discrimination to take proactive, meaningful steps to combat discrimination, overcome patterns of segregation, and create inclusive communities by dismantling barriers that prevent people from living in neighborhoods of their choice. This duty involves assessing local barriers, engaging communities, and choosing practical, locally tailored solutions to barriers that keep people locked out of opportunity.
2. **Codifying disparate impact liability.** The bill codifies that facially neutral policies that disproportionately harm protected groups and lack a legitimate justification or less discriminatory alternative violate Maryland's fair housing protections.

Clarity and continuity in protections

These updates are timely and necessary. Recent federal rollbacks of regulation and enforcement from the Trump administration have systematically weakened federal fair housing protections. President Trump signed an Executive Order in April 2025, that directed all federal agencies to eliminate disparate impact protections, and in

¹ Chetty, Raj, Nathaniel Hendren, and Lawrence Katz. 2016. "The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Project". *American Economic Review* 106 (4). <https://hendren.scholars.harvard.edu/publications/effects-exposure-better-neighborhoods-children-new-evidence-moving-opportunity>

January 2026, HUD proposed rescinding its long-standing regulations governing disparate impact liability under the federal Fair Housing Act. While these actions don't change the federal Fair Housing Act, this rollback will make it more likely that the people of Maryland face unlawful discrimination and make it harder for them to challenge discriminatory policies. SB 274 ensures a clear state standard remains in place, and Maryland residents do not lose longstanding protections because of national policy shifts.

Further, Maryland's courts have already recognized disparate impact claims under the Maryland Fair Housing Act, most recently in *Hare v. David S. Brown Enterprises, Ltd.* SB 274 would codify that precedent, providing a stable, statutory framework for agencies, courts, and housing providers to follow. With federal enforcement in flux, codification ensures Marylanders retain a clear path to challenge discriminatory barriers.

Ongoing need for AFFH and disparate impact liability

AFFH and disparate impact liability are critical to advancing housing justice and addressing the racialized housing and land exclusion policies, institutions, and value systems that have restricted and denied equal opportunities to Black and Brown families, particularly those with low-incomes, and other marginalized groups. America remains residentially segregated, with access to quality schools, clean environments, and community resources distributed unequally according to race.² Although illegal now, the remnants of redlining, segregation, blockbusting, racial steering practices, and many more vestiges of the past are still deeply felt in communities today. These discriminatory practices continue to deprive Black and Brown communities access to safe and stable housing, full-service grocery stores, public transportation, parks and greenspaces, top-tier schools, employment opportunities, and much more, and ultimately contribute to the ever-widening equity gap.

² Justin Steil & Nicholas Kelly, *The Fairest of Them All: Analyzing Affirmatively Furthering Fair Housing Compliance*, 29 HOUS. POL'Y DEBATE 1, 85-105 (2018), <https://dspace.mit.edu/bitstream/handle/1721.1/126827/Steil%20Kelly%20Fairest%20of%20them%20All%202018%2005%2008.pdf?sequence=2&isAllowed=y>; Heather R. Abraham, *Segregation Autopilot: How the Government Perpetuates Segregation and How to Stop It*, 107 IOWA L. REV. 1963, 1969 (2022), [https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2022-11/Segregation Autopilot How the Government Perpetuates Segregation and How to Stop It.pdf](https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2022-11/Segregation%20Autopilot%20How%20the%20Government%20Perpetuates%20Segregation%20and%20How%20to%20Stop%20It.pdf).

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. By codifying disparate impact protections and the AFFH duty, Maryland will ensure that families have fair access to housing, and that communities continue moving toward inclusion.

For these reasons, BRHP respectfully urges a **Favorable** report on SB 274.

Sincerely,

Adria Crutchfield

Executive Director

Baltimore Regional Housing Partnership

Progressive MD. SB0274. FAV. Fair Housing.pdf

Uploaded by: Erica Puentes

Position: FAV



Bill Title: SB0274 Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect
Position: SUPPORT (FAV)
To: Judicial Proceedings Committee
From: Erica Puentes, Progressive Maryland Legislative Coordinator on behalf of Progressive Maryland

Dear Chair Smith and members of the Committee:

Progressive Maryland supports SB0274 Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect. Progressive Maryland is a member based organization led by and focused on working class, Black, and brown communities. Our grassroots advocacy focuses include racial justice and economic justice with the aim of building a more just and equitable Maryland. We have over 125,000 members and supporters across the state, with significant bases in Baltimore City, Prince George's, Montgomery, Frederick, Harford counties, and the Eastern Shore.

In light of this federal administration's civil rights rollbacks, and as threats to federal housing protections loom, Maryland lawmakers must ensure that the state continues to enforce critical federal fair housing protections. If passed, SB0274 will play an essential role in safeguarding equitable access to housing for all Marylanders. It is critical that, as this bill proposes, we codify the federal standard for disparate impact claims into Maryland law. This protection is vital for addressing systemic discrimination in housing. Disparate impact allows legal action against seemingly neutral policies that disproportionately harm protected groups, regardless of intent. It helps combat racial disparities in housing, unfair zoning laws, and discriminatory lending practices. In the absence of strong protections at the federal level, this bill ensures that Marylanders can continue to challenge these discriminatory practices.

Without SB0274, Maryland residents would be vulnerable to a rollback in federal protections, which could leave many without recourse. Progressive Maryland asserts that all residents have the right to live in safe, affordable housing free from discrimination. Our state must take action to ensure that we enforce fair housing standards preventing housing discrimination and promoting inclusive development that encourages racial and economic diversity.

Progressive Maryland urges a favorable report on SB0274 to ensure that every Marylander has access to the housing opportunities they deserve.

FAVORABLE HB0573_SB0274 Fair Housing and Housing D

Uploaded by: Jeremy Browning

Position: FAV



**Maryland Commission
on LGBTQIA+ Affairs**

Bill Title: Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect

Bill Number(s): HB0573/SB0274

Position: FAVORABLE

Date: January 30, 2026

Submitted by: Jeremy Browning, Director of the Maryland Commission on LGBTQIA+ Affairs

To:

House Economic Matters Committee

The Hon. Kriselda Valderrama, Chair
The Hon. Lorig Charkoudian, Vice Chair

Senate Judicial Proceedings Committee

The Hon. William C. Smith, Chair
The Hon. Jeff Waldstreicher, Vice Chair

Testimony on behalf of the Maryland Commission on LGBTQIA+ Affairs

The Maryland Commission on LGBTQIA+ Affairs, created by the Maryland General Assembly, works to serve LGBTQIA+ Marylanders by galvanizing community voices, researching and addressing challenges, and advocating for policies that advance equity and inclusion. The Commission envisions a Maryland where all LGBTQIA+ people can live full and authentic lives. As a vital resource, the Commission collaborates with public officials, agencies, and community partners to ensure the rights and dignity of LGBTQIA+ Marylanders are protected and respected.

The Commission is in strong support of HB0573/SB0274, which strengthens Maryland's commitment to fair housing by ensuring that discriminatory housing practices are addressed not only when intent can be proven but also when such practices have a discriminatory effect on marginalized communities, including LGBTQIA+ individuals.

Housing discrimination remains a persistent barrier for many LGBTQIA+ Marylanders. National and state research has shown that LGBTQIA+ individuals, especially transgender and nonbinary people, face disproportionate rates of housing instability, eviction, and homelessness. Research underscores the urgency of addressing these disparities:

- Trans Maryland's [Maryland Trans Survey](#), which is the most comprehensive study of transgender experiences in the state, found that 13.6% of respondents had been prevented from moving into a rental property or purchasing a home at least once in their lives due to discrimination.
- The National Center for Transgender Equality's (now Advocates for Trans Equality) [2022 U.S. Trans Survey Early Insights Report](#) found that more than one-third (34%) of transgender respondents were experiencing poverty, and nearly one-third had experienced homelessness in their lifetime.
- The Williams Institute's report, [LGBT People and Housing Affordability, Discrimination, and Homelessness](#), highlights that LGBTQIA+ people have higher rates of poverty, lower rates of homeownership, and higher rates of homelessness compared to non-LGBTQIA+ people.
- True Colors United's report, [At the Intersections](#), reveals that LGBTQ+ youth and young adults are 120% more likely to experience homelessness than their non-LGBTQ+ peers. Service providers estimate that 20-40% of youth experiencing homelessness identify as LGBTQ+.

These statistics underscore the urgent need for legislative action to combat housing discrimination that disproportionately affects transgender and nonbinary individuals. House Bill 1239 addresses this critical issue by clarifying that fair housing protections extend to policies and practices that have a discriminatory impact, even if discriminatory intent is not explicitly stated.

For these reasons, the Commission strongly urges a favorable report on HB0573/SB0274.

References:

James, S.E., Herman, J.L., Durso, L.E., & Heng-Lehtinen, R. (2024). Early Insights: A Report of the 2022 U.S. Transgender Survey. National Center for Transgender Equality, Washington, DC

Romero, A.P., Goldberg, S.K., & Vasquez, L.A. (2020). LGBT People and Housing Affordability, Discrimination, and Homelessness. The Williams Institute.

Pease, M. V., Taylor, S., Blinder, L., Clements, Z. A., & Galupo, M. P. (2024, March). Initial findings from the Maryland Trans Survey. Trans Maryland. <https://transmaryland.org/findings>

Price, C., Chanchan, D., Wheeler, C., Seip, N., & Rush, J. (Eds.). (2019). At the Intersections: A collaborative report on LGBTQ youth homelessness. (2nd Edition) True Colors United and the National LGBTQ Task Force.

SB 274 FAV Testimony MSEA FINAL.pdf

Uploaded by: Jocelyn Collins

Position: FAV

**FAVORABLE Testimony in Support of Senate Bill 274
Fair Housing and Housing Discrimination – Regulations, Intent, and
Discriminatory Effect**

**Judicial Proceedings
February 3, 2026
2:00 pm**

**Jocelyn I. Collins
Public Policy Partners, on behalf of MSEA**

The Maryland State Education Association supports Senate Bill 274. This legislation strengthens Maryland's fair housing laws by clarifying enforcement authority, reinforcing the obligation to affirmatively further fair housing, and addressing discriminatory housing practices based on their effects, not solely on intent.

MSEA represents 76,000 educators and school employees who work in Maryland's public schools and community colleges, teaching and supporting our almost 900,000 K-12 students so they can pursue their dreams. MSEA represents more than 44 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

MSEA's support for Senate Bill 274 is grounded in our long-standing policy commitments. **MSEA Resolution F.23 (Fair Housing)** states that *fair housing practices should be broadened and strengthened to assure each citizen an equal opportunity to reside in a neighborhood of their choice*. Senate Bill 274 directly advances this principle by modernizing Maryland law to reflect how housing discrimination operates in practice today.

Many barriers to fair housing are structural or systemic, arising from policies that may appear neutral but reinforce segregation or unequal access to housing and opportunity. Senate Bill 274 broadens fair housing protections by clarifying that unlawful discrimination may be established based on discriminatory effects, not solely on explicit intent. This focus on outcomes is essential to ensuring meaningful and equitable housing choices for families, workers, and communities.



The bill also strengthens enforcement by affirming the authority of the Maryland Department of Housing and Community Development (DHCD) to adopt regulations to implement and enforce fair housing obligations, including the duty to affirmatively further fair housing. Clear authority and accountability are critical to ensuring that fair housing laws are effective and enforceable.

Importantly, Senate Bill 274 preserves appropriate safeguards for legitimate, nondiscriminatory policies. The bill recognizes that actions taken to achieve substantial, lawful objectives do not constitute unlawful discrimination when no less discriminatory alternative exists. This balanced approach protects good-faith actors while ensuring that systemic inequities are addressed.

For MSEA members, fair housing is not an abstract issue. Educators and education support professionals are renters, homeowners, and community members whose housing stability affects their ability to work, remain in the profession, and serve students effectively. Discriminatory housing outcomes disproportionately affect lower-paid school staff and educators of color, contribute to workforce instability, and exacerbate inequities that schools are asked to address every day.

By strengthening fair housing protections, Senate Bill 274 supports more integrated communities, greater housing stability, and stronger public schools. The bill aligns squarely with MSEA's values and policy positions.

We urge the committee to issue a Favorable Report on Senate Bill 274.

SB274 - Senate JPR - Maryland Legal Aid - FAV - FI

Uploaded by: LeighAnn Rosenberg

Position: FAV



Senate Bill 274
Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect
Hearing before the Senate Judicial Proceedings Committee
February 3, 2026

Position: Favorable

Maryland Legal Aid submits its written testimony on SB 274 at the request of the bill sponsor Senator Charles Sydnor.

Maryland Legal Aid is a non-profit law firm that provides free civil legal services to the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of legal matters for Marylanders, including those confronting unfair and discriminatory housing practices. Our clients are critically impacted by the affordability crisis, and ensuring they have equal and fair access to housing is a significant portion of our work.

SB 274 would codify important fair housing standards into Maryland law. Given the federal government's active efforts to abandon these civil rights mechanisms, this is a critical moment to ensure Maryland residents' fair housing rights remain protected. This bill provides precise definitions and legal standards for "disparate impact" discrimination claims under Maryland's fair housing law. It also makes clear that the Department of Housing and Community Development can provide guidance on existing obligations to affirmatively further fair housing. Maryland Legal Aid strongly supports our State's efforts to uphold the rule of law and break down barriers to pursuing growth and affordability. We urge the Committee to affirm these longstanding civil rights principles in our statutes and favorably report on SB 274.

Disparate impact claims are an important civil rights enforcement tool.

It is unlawful to discriminate against a person because of their membership in a protected class. In Maryland, this includes a person's race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status.¹ There are two primary ways courts assess whether discrimination has occurred: disparate treatment and disparate impact. Disparate impact embodies the understanding that discriminatory *intent* is not the only way that discrimination can and does occur. It recognizes that landlords, realtors, lenders, and other actors may be liable for unlawful discriminatory *effects* of their policies or acts. "That is, if you assign a test of flight to a bird and a fish, you will have treated them the same, but the impact of the facially equal treatment discriminates against the fish."² Importantly, disparate impact liability only

¹ Md. Code Ann., State Government Art. § 20-702(a).

² *Hare v. David S. Brown Enters., Ltd.*, 491 Md. 653, 673 (2025).

applies to policies and acts that create “artificial, arbitrary, and unnecessary barriers, not policies that are necessary to achieve a valid interest.”³

Maryland’s Affirmatively Furthering Fair Housing laws need a clear mechanism for DHCD to issue regulations.

The Fair Housing Act of 1968 instructs all federal executive departments and agencies, including but not limited to the U.S. Department of Housing and Urban Development (HUD), to affirmatively further the purposes of the Fair Housing Act.⁴ In 2021, Maryland adopted similar obligations for our State Department of Housing and Community Development (DHCD), political subdivisions, and housing authorities.⁵ Municipalities and counties must develop comprehensive plans that include an assessment of fair housing and a description of local actions that foster and maintain compliance with civil rights and fair housing laws. SB 274 clarifies that DHCD may adopt regulations to carry out these existing requirements. This authority is important, as it gives the agency with specialized knowledge the ability to provide targeted guidance and resources on how communities can take meaningful actions to overcome patterns of concentrated poverty and segregation.

SB 274 affirms Maryland’s commitments to inclusion, fairness, and upholding the rule of law. It would enshrine clear and well-tested fair housing standards for Marylanders, which is critical as the current federal administration attempts to dismantle these longstanding legal principles.

Affirming our commitment to clear and established standards for identifying and ending discrimination is especially critical in housing. Maryland’s longstanding history of redlining and segregation necessitates conscious action to correct the effects of centuries of discriminatory practices. The present affordability crisis raises the stakes, making it even more essential to remove discriminatory barriers to finding and keeping a home.

The United States Supreme Court has consistently recognized the validity of proving discrimination through disparate impact claims, including under the Fair Housing Act.⁶ Just last year, the Supreme Court of Maryland ruled that disparate impact claims are also validly brought under Maryland’s fair housing laws.⁷ In that ruling, the Court adopted the same legal standard that federal courts have applied for decades in disparate impact cases—the very framework provided in SB 274. Codifying these well-established judicial standards in Maryland statute would ensure stability and consistency in how these claims are evaluated.

³ *Id.* at 491 Md. 681, quoting *Texas Dep’t of Hous. & Cmty. Affs. v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 540-41 (2015) (emphasis added; internal quotation marks omitted).

⁴ 42 U.S.C. § 3608(d), (e)(5).

⁵ Md. Code Ann., Hous. & Cmty. Dev. § 2-402.

⁶ See *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), *Smith v. City of Jackson*, 544 U.S. 228 (2005), and *Texas Dep’t of Hous. & Cmty. Affs. v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015) (finding disparate impact claims under the Fair Housing Act are valid).

⁷ *Hare v. David S. Brown Enters., Ltd.*, 491 Md. 653, 680, 340 A.3d 698, 714 (2025).

This is a key moment to provide all Marylanders with a clear and reliable statement of our fair housing protections. The federal fair housing landscape is caught in a tug-of-war between the current federal administration and those who seek to uphold decades of precedent. In 2013, HUD published a rule to formalize the agency’s interpretation of disparate impact liability under the Fair Housing Act.⁸ In 2015, HUD published a long-anticipated Affirmatively Furthering Fair Housing (AFFH) rule, which provided resources for local jurisdictions to meet their federal obligations.⁹ In 2018, the first Trump administration began its roll-back of the 2015 AFFH regulations.¹⁰ In 2020, the Trump administration rolled back the 2013 disparate impact rule.¹¹ In 2023 the Biden administration restored the disparate impact rule¹² and proposed a new AFFH rule.¹³ Now, the current Trump administration again seeks to roll back the disparate impact¹⁴ and AFFH¹⁵ rules.

SB 274 is an essential tool to uphold the rule of law and affirm Marylander’s civil rights protections.

SB 274 codifies two key civil rights tools that provide critical protections for Marylanders: clear standards for disparate impact discrimination claims and a mechanism for DHCD to ensure Maryland communities are affirmatively furthering fair housing.

Civil rights protections are crucial to cultivating the diverse and inclusive communities that Maryland prides itself on. Existing protections against disparate impact discrimination have been essential in redressing the harms of segregation and remain a key tool for addressing Maryland’s housing crisis, especially for marginalized communities. For example, a disparate impact legal theory was central to *Thompson v. HUD*, the landmark civil rights case that challenged decades of racial segregation in Baltimore City public housing and led to the Baltimore Housing Mobility Program.¹⁶ Disparate impact claims have also been essential in protecting access to housing for

⁸ See HUD, Implementation of the Fair Housing Act’s Disparate Impact Standard, 85 Fed Reg 186 (Sept. 24, 2020), <https://www.federalregister.gov/d/2020-19887/p-11>.

(“The 2013 Rule also codified a burden-shifting framework for analyzing disparate impact claims under the Fair Housing Act, relying in part on existing case law under the Fair Housing Act, decisions by HUD’s administrative law judges, and Title VII of the Civil Rights Act of 1964 (prohibiting employment discrimination).”)

⁹ Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42272, July 16, 2015, <https://www.federalregister.gov/documents/2015/07/16/2015-17032/affirmatively-furthering-fair-housing>.

¹⁰ Affirmatively Furthering Fair Housing: Extension of Deadline for Submission of Assessment of Fair Housing for Consolidated Plan Participants, 83 Fed. Reg. 683 (Jan. 5, 2018).

¹¹ HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard, 85 FR 60288 (Sept. 24, 2020).

¹² Reinstatement of HUD’s Discriminatory Effects Standard, 88 FR 19450 (Mar. 21, 2023).

¹³ Affirmatively Furthering Fair Housing, 88 FR 8516 (Feb. 9, 2023).

¹⁴ HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard, 91 FR 1475 (Jan. 14, 2026)

¹⁵ Affirmatively Furthering Fair Housing Revisions, 90 FR 11020 (Mar. 3, 2025).

¹⁶ *Thompson v. U.S. Dep’t of Hous. & Urb. Dev.*, 348 F. Supp. 2d 398 (D. Md. 2005).

disabled Marylanders, ensuring the availability of accessible housing units¹⁷ and preventing unjust fees arising from the use of disability aids and accommodations.¹⁸ In addition, the Maryland Supreme Court relied on a disparate impact legal theory in *Hare v. David S. Brown Enterprises, Ltd.*, to protect Housing Choice Vouchers recipients from being discriminated against because of their source of income.¹⁹ Maryland Legal Aid clients rely on disparate impact claims to enforce their rights. One Baltimore County family needed to relocate unexpectedly to obtain housing that was accessible for the client’s recently acquired disability. Generally applicable early termination fees would have prevented this client from moving before their lease expired. By raising the disparate impact those fees impose on people with disabilities like our client, this family will now be able to promptly relocate to an accessible dwelling rather than being arbitrarily trapped in inaccessible housing until their lease is up.

Ensuring that DHCD can promulgate guidance on how to affirmatively further fair housing is also essential to Maryland’s housing growth goals. Local jurisdictions and housing authorities are already assessing and implementing fair housing goals under Maryland law. As the state works to address the affordability crisis by increasing housing supply and lowering costs, clear regulations are necessary to ensure fair housing principles are followed.

This is a moment to retain and bolster all of the tools we have to combat discrimination and protect the most vulnerable members of our communities. We face a destructive era in federal policy that could leave Maryland residents with little or no ability to hold bad actors accountable for discriminatory housing practices at the federal level. SB 274’s clear adoption of state-level standards for addressing disparate impact discrimination and adopting fair housing regulations ensures that Marylanders will continue to have access to meaningful civil rights enforcement in our state courts. SB 274 does not create new policies, causes of action, or penalties. It does not add new protected classes. It simply codifies longstanding civil rights standards, preserving and sending a clear affirmation of Maryland’s commitment to inclusion for generations to come.

For these reasons, **Maryland Legal Aid urges the Committee’s favorable report on SB 274.**

If you have any questions, please contact:

Zafar Shah
Advocacy Director for Human Right to Housing
zshah@mdlal.org | (410) 951-7672

¹⁷ U.S. Dep’t of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Voluntary Compliance Agreement Between the U.S. Dep’t of Housing and Urban Development and The Housing Authority of Prince George’s County, Maryland, Jun. 10, 2020.

¹⁸ *E.g., United States v. California Mobile Home Park Mgmt. Co.*, 29 F.3d 1413 (9th Cir. 1994); *Samuelson v. Mid-Atlantic Realty Co.*, 947 F. Supp. 756, 761 (D. Del. 1996).

¹⁹ 491 Md. 653, 340 A.3d 698 (2025).

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SB 274 - Fair Housing - FAV - REALTORS.pdf

Uploaded by: Lisa May

Position: FAV



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

Position: Support

Maryland REALTORS® supports SB 274, to codify previous federal standards on disparate impact and affirmatively furthering fair housing into state law.

The federal Affirmatively Furthering Fair Housing Rule recognized that even practices which are neutral on their face can result in disparate impacts and outcomes for individuals based upon their race, ethnicity, or other protected classes. REALTORS® nationally have supported federal guidelines to address these practices, while also providing some relief when active efforts to avoid discrimination cannot be overcome by a legitimate business reason.

Maryland REALTORS® supported 2021's HB 90, which required the Department of Housing and Community Development to provide reports to the General Assembly and the Governor on efforts to administer programs that affirmatively further fair housing and prohibit the Department from taking any action that is inconsistent with affirmatively furthering fair housing. We see this bill as a continuation of that important work.

REALTORS® are committed to actively fighting discrimination in their communities and providing every potential homeowner with access to the home of their choice in the neighborhood of their choice. We ask for your support of SB 274.

For more information contact
lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org

1.30 SB 274 - Fair Housing and Housing Discrimina

Uploaded by: Lonia Muckle

Position: FAV



SB 274 - Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect
Senate Judicial Proceedings Committee
February 3, 2026
SUPPORT

Chair Smith, Vice-Chair, and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 274. This bill aligns Maryland law more closely with federal fair housing laws by providing a legal definition of “discriminatory effect” to mean actions or policies that result in unequal impacts or reinforce segregation.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program ‘VITA’, offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH’s tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

Disparities remain despite the repeal of explicitly discriminatory policies. Practices such as the use of credit scores and zip codes for use to determine rental or loan agreements impact the way individuals and families can obtain housing. These structural barriers slow wealth building and limit economic mobility for Marylanders.

The Maryland Comptroller’s report on housing and the economy shows that housing costs in Maryland remain high, and housing supply remains limited. These conditions affect all residents, but particularly working age individuals and families. This is a component of population decline in Maryland as residents seek more affordable housing.¹ This is demonstrated by the research conducted by UMD highlighting ongoing disparities in homeownership, financing, and property values: people of color face greater difficulty obtaining mortgage financing and are more likely to receive below-value appraisals on homes compared with white residents.²

Housing challenges are closely tied to workforce participation and economic performance.¹ Therefore, when residents cannot find affordable or accessible housing, communities lose stability. Strengthening fair housing practices supports a housing market that allows more residents to remain in the State and participate fully in the economy. SB 274 supports Maryland’s fair housing laws to provide housing access and affordability that promotes long-term economic prosperity for the state of Maryland and its residents.

Thus, we encourage you to return a favorable report for SB 274.

¹ Maryland Office of the Comptroller, Housing and the Economy in Maryland (2025). <https://www.marylandcomptroller.gov/content/dam/mdcomp/md/media/2025/10-16-2025-maryland-comptroller-releases-report-on-housing-and-the-economy.pdf>

² University of Maryland. UMD Report Reveals Racial Disparities in Owning, Financing a Home in Maryland. <https://today.umd.edu/umd-report-reveals-racial-disparities-in-owning-financing-a-home-in-maryland>

SB 274 EconActionMD FAV.docx (1).pdf

Uploaded by: Marceline White

Position: FAV



**Testimony on Senate Bill 274 –Fair Housing and Housing Discrimination –
Regulations, Intent, and 3 Discriminatory Effect
Position: Favorable**

February 3, 2026

The Honorable Will Smith, Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401
cc: Members, Judicial Proceedings Committee

Chair Smith and Members of the Committee:

Economic Action Maryland Fund is a statewide coalition of individuals and organizations that advances economic rights, equity, and housing justice for Maryland families through research, education, direct service, and advocacy. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

Economic Action Maryland Fund writes in strong support of **SB 274. SB274, if passed**, will strengthen fair housing law in Maryland by expanding the definition of discrimination to include the effect of a policy to discriminate not just the intent.

At the federal level, the staffing and funding of the Department of Housing and Urban Development (HUD) has been slashed. As a result, federal investigation and enforcement of fair housing complaints have fallen. Furthermore, guidance established during the Obama administration that mirror the provisions of this law were abolished this past November. Creating similar protections at the state level will ensure this guidance can remain in place

A recent report found that housing discrimination complaints have increased across the country while the ability to resolve complaints at the federal level has sharply fallen. Disability-related discrimination and discrimination based on race and national origin are the largest types of fair housing complaints¹. **Against this backdrop, it is more important than ever that Maryland strengthen its fair housing regulations.**

A facially neutral policy may have a disproportional effect on a protected class. With the rapid embrace of new technologies and AI, there may be unintended consequences that harm a group of Marylanders. SB274 allows the state to root out vestiges of past discrimination and have the tools needed to protect everyday Marylanders from discrimination in housing.

¹ <https://www.housingwire.com/articles/fair-housing-complaints-mount-amid-rhud-staffing-cuts/>
Economic Action (formerly the Maryland Consumer Rights Coalition) champions economic rights and housing justice through advocacy, research, consumer education, and direct service. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.



Importantly, SB274 includes a three-pronged test which protects individuals and businesses from being in violation of the law if they can show that there was no discriminatory intent, it was necessary to meet legitimate aims, and it was the least discriminatory method available to achieve these goals. This provision provides a safeguard to ensure that the focus remains on bad actors, rather than those pursuing legitimate interests.

Passing SB274 will bring Maryland in line with New York, New Jersey, Illinois, Minnesota, Colorado, and California who have enacted similar legislation.

As tenants and prospective homebuyers grapple with the high costs of rentals and home purchases, rooting out discrimination is more critical than ever so that individuals can live in affordable, accessible housing in a neighborhood of their choice.

For all these reasons, we support SB274 and urge a favorable report.

Best,

Marceline White
Executive Director

Economic Action (formerly the Maryland Consumer Rights Coalition) champions economic rights and housing justice through advocacy, research, consumer education, and direct service. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

2209 Maryland Ave · Baltimore, MD 21218 | www.econaction.org
Marceline White · Marceline@EconAction.org | Jennifer Bevan-Dangel · Jennifer@EconAction.org

Gibson Banks Center Testimony SB 274 - Fair Housin

Uploaded by: Monique Dixon

Position: FAV

Testimony Concerning Senate Bill 274
Fair Housing and Housing Discrimination – Regulations, Intent, and Discriminatory Effect
Position: Favorable

To: Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Members of the Judicial Proceedings Committee

From: Monique L. Dixon, Executive Director and Michael Pinard, Faculty Director,
Gibson-Banks Center for Race and the Law

Date: January 30, 2026

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or “Center”) at the University of Maryland Francis King Carey School of Law,¹ we appreciate the opportunity to submit written testimony in support of Senate Bill 274, which would, among other things, codify existing fair housing case law allowing persons to challenge housing policies or practices that have a discriminatory effect. We urge the committee to issue a favorable report because the bill would: (1) reaffirm the availability of discriminatory effects analysis under Maryland fair housing laws; and (2) address historical racial discrimination and persistent racial inequalities in housing in the state.

The Gibson-Banks Center works collaboratively to re-imagine and transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex or disability, and advances racial justice in a variety of issue areas, including housing.

SB 274 would codify existing fair housing case law and affirm the availability of discriminatory effects analysis, also known as disparate impact theory, to prove housing discrimination

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law, the University of Maryland, Baltimore, or the University System of Maryland.

Marylanders are protected from housing discrimination under both federal and state anti-discrimination laws. The provisions of Maryland’s housing antidiscrimination law are “substantially equivalent or similar” to the federal Fair Housing Act (FHA), as amended,² and Maryland courts have been guided by federal case law interpreting FHA when considering the state’s analog.³

In *Texas Department of Housing and Community Affairs et. al v. The Inclusive Communities Project, Inc., et. al*, 576 U.S. 519 (2015), the U.S. Supreme Court held that a person could prove discrimination under the FHA using disparate impact theory.⁴ This theory challenges a housing policy or practice that is applied neutrally, i.e., without the intent to discriminate, but has an unjustified, disproportionately adverse effect on individuals protected by the Act, such as racial groups or persons with disabilities.⁵ In support of its holding, the Court noted that nine federal courts of appeals had concluded that “the Fair Housing Act encompassed disparate-impact claims.”⁶ Additionally, the Court noted that in 2013, the U.S. Department of Housing and Urban Development (HUD) issued a regulation “interpreting the FHA to encompass disparate-impact liability,”⁷ by formally establishing the three-part burden-shifting test for determining when a practice with a discriminatory effect violates the Fair Housing Act.”⁸

In 2020, however, during the first Trump administration, HUD issued a new regulation that made it more difficult for individuals protected by the FHA to challenge housing practices that had a discriminatory effect, or disparate impact.⁹ Fair housing advocates filed a lawsuit challenging the regulation and in October 2020, a federal court issued a nationwide preliminary

² See, Fair Housing Act, 42 U.S.C. §§ 3601 *et. seq.* (prohibiting discrimination in the sale, rental, advertising, or financing of housing because of race, color, national origin, religion, sex, familial status, or disability.). Maryland’s housing antidiscrimination law covers more protected classes. See, MD. CODE ANN, STATE GOV’T §§ 20-701 *et seq.* (prohibiting discrimination in the sale, rental, advertising or financing of housing because of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, source of income, or military status).

³ See *e.g.*, *Wallace H. Campbell & Company, Inc. v. Maryland Comm’n on Human Relations*, 202 Md. App. 650, 667-68 (Ct. App. 2011) (noting that the Maryland legislature enacted Article 49B § 22(a)(9) (now MD Code Ann, State Gov’t §20-706) to include provisions that prohibit discriminatory housing practices in a “manner substantially equivalent or similar to the federal Fair Housing Amendments Act of 1988.” Accordingly, the Maryland appellate court was “guided by the case law interpretation of the Federal statute when ...[it] examine[d] the State analog.”)

⁴ 576 U.S. 519, 545-46 (2015). An aggrieved person may also prove discrimination under the FHA using the disparate treatment theory “where a plaintiff must establish that the defendant had a discriminatory intent or motive...” *Id* at 524.

⁵ *Id.* at 524-25 (explaining that “a plaintiff bringing a disparate impact claim challenges practices that have a ‘disproportionately adverse effect on minorities’ and are otherwise unjustified by a legitimate rationale.”).

⁶ *Id.* at 535-36.

⁷ *Id.* at 527.

⁸ U.S. Department of Housing and Urban Development, *Implementation of the Fair Housing Act’s Discriminatory Effects Standard*, 78 Fed. Reg. 11460 (Feb. 15, 2013), <https://www.govinfo.gov/content/pkg/FR-2013-02-15/pdf/2013-03375.pdf>.

⁹ U.S. Department of Housing and Urban Development, *HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard*, 85 Fed. Reg. 60288 (Sept. 24, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-09-24/pdf/2020-19887.pdf>. See generally, Ed Gramlich, *Disparate Impact*, National Low Income Housing Coalition (comparing the HUD’s 2013 and 2020 disparate impact regulations), https://nlihc.org/sites/default/files/2023-03/2023AG8-03_Disparate-Impact.pdf.

injunction preventing HUD from implementing it.¹⁰ In March 2023, the Biden administration restored the 2013 discriminatory effects regulation.¹¹ On January 14, 2026, HUD submitted for public comment a proposed rule that would rescind its discriminatory effects regulation.¹²

SB 274 is needed now more than ever. It would codify existing case law reaffirming that the discriminatory effects analysis is a tool one may use to prove housing discrimination. It would also ensure the availability of discriminatory effects liability under Maryland law at a time when the new Trump administration is taking steps to eliminate it at the federal level.

Maryland’s history of racial discrimination and persistent racial inequalities in housing opportunities demonstrate the need for SB 274.

Maryland has a shameful history of racial discrimination in housing, and the vestige of this discrimination continues today. In 1910, Baltimore became the first city in the nation to pass a residential segregation ordinance that prohibited Black people from moving into a white neighborhood, inspiring a wave of similar laws in cities across the country.¹³ After the U.S. Supreme Court declared such laws unconstitutional in *Buchanan v. Warley*,¹⁴ private real estate actors across the state advanced the cause of residential segregation through practices such as racially restrictive covenants, which prohibited the resale of property to Black people.¹⁵

The problem of racially segregated housing in Maryland worsened in the 1930s when the federal government, through the Home Owners’ Loan Corporation (HOLC), published a color-coded map that graded communities according to the financial risks they posed to lenders and investors.¹⁶ Black communities were “redlined,” meaning that they were colored red on the HOLC maps, indicating that they were the least desirable candidates for mortgages and other

¹⁰ *Massachusetts Fair Housing Center, et al. v. United States Department of Housing and Urban Development, et al.*, Memorandum and Order Regarding Plaintiffs’ Motion for Preliminary Injunction Under 5 U.S.C. § 705 to Postpone the Effective Date of HUD’s Unlawful New Rule, Civil Action No. 20-11765-MGM (D-MA Oct. 25, 2020), <https://storage.courtlistener.com/recap/gov.uscourts.mad.226129/gov.uscourts.mad.226129.29.0.pdf>.

¹¹ U.S. Department of Housing and Urban Development, *Reinstatement of HUD’s Discriminatory Effects Standard*, 88 Fed. Reg. 19450 (Mar. 31, 2023), <https://www.govinfo.gov/content/pkg/FR-2023-03-31/pdf/2023-05836.pdf>.

¹² U.S. Department of Housing and Urban Development, *HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard*, 91 Fed. Reg. 1475 (Jan. 14, 2026), <https://www.govinfo.gov/content/pkg/FR-2026-01-14/pdf/2026-00590.pdf>.

¹³ DENNIS PATRICK HALPIN, *A BROTHERHOOD OF LIBERTY BLACK RECONSTRUCTION AND ITS LEGACIES IN BALTIMORE, 1865-1920*, 162-176 (2019); Matthew Yglesias, *How Baltimore Invented Neighborhood Segregation*, VOX (May. 10, 2015), <https://www.vox.com/2015/5/10/8578077/baltimore-segregation-pietila>; Garrett Power, *Apartheid Baltimore Style: The Residential Segregation Ordinances of 1910-1913*, 42 MD. L. REV. 289 (1983), <https://digitalcommons.law.umaryland.edu/mlr/vol42/iss2/4/>.

¹⁴ 245 U.S. 60 (1917).

¹⁵ See, e.g., Power, *supra* note 13, at 319; MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF JUST COMMUNITIES, *SEPARATE AND UNEQUAL NEIGHBORHOODS 13* (2024) [Hereinafter *SEPARATE AND UNEQUAL*], <https://dhcd.maryland.gov/Just-Communities/Documents/Baseline-Report.pdf> (“Racially restrictive covenants, clauses in residential deeds barring the sale of homes to non-whites, were common in Montgomery County . . .”)

¹⁶ David Armenti & Alex Lothstein, *Baltimore’s Pursuit of Fair Housing: A Brief History*, MARYLAND CENTER FOR HISTORY AND CULTURE, <https://www.mdhistory.org/baltimores-pursuit-of-fair-housing-a-brief-history/>.

investments.¹⁷ Black residents in these areas accordingly struggled to access loans and suffered discrimination from mortgage lenders and real estate brokers as well as overall disinvestment.¹⁸

Sadly, racial inequalities in housing continue in Maryland. In 2024, the Maryland Department of Housing and Community Development Division of Just Communities conveyed that Marylanders of color, including Black Marylanders, face “bias in the rental housing market, mortgage lending, and housing valuation, and disparities in housing stability, homeownership retention, and intergenerational wealth creation.”¹⁹ Additionally, a report by the Abell Foundation presents evidence of racial bias in home appraisals that undervalues homes in predominantly Black communities in the Baltimore metropolitan area.²⁰

By codifying the discriminatory effects analysis for proving discrimination under Maryland’s housing antidiscrimination law, SB 274 would help to ensure that Marylanders are protected from housing discrimination in all its forms.

For the above reasons, we urge you to issue a favorable report on SB 274.

¹⁷ *Id.*

¹⁸ *See id.*; *See also*, SEPARATE AND UNEQUAL, *supra* note 15, at 7.

¹⁹ SEPARATE AND UNEQUAL, *supra* note 15, at 2.

²⁰ Ira Goldstein with Alana Kim, *Evidence of Racial Bias in Home Appraisals in the Baltimore Metropolitan Area*, The Abell Foundation (March 2025), https://abell.org/wp-content/uploads/2025/03/2025_Abell-Foundation_Appraisal-Bias_vf-digital.pdf.

SB0274-JPR-SUPP.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB0274

February 3, 2026

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Director of the Mayor's Office of Government Relations

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

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 274 – Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect.

SB 274 alters Article – State Government, § 20-101 of the Annotated Code of Maryland to provide for additional protections of residents against housing discrimination, meaningfully bolstering the Department of Housing and Community Development's (DHCD) fair housing efforts. Under the language of the legislation, housing discrimination would not only constitute discriminatory practices, but any act that has a discriminatory impact regardless of intent. The bill also expands DHCD's role in clarifying and enforcing fair housing regulations.

According to the Maryland Commission on Civil Rights' (MCCR) annual reports from 2021-2025, the MCCR received 959 complaints of housing discrimination in those five years. Of those complaints, the overwhelming majority were based on disability; the number of housing discrimination cases also doubled from 2022 to 2024. SB 274 would allow for an additional avenue for affected residents to prove their complaints of housing discrimination, and by doing so, bolster MCCR and DHCD's work in deterring future housing discrimination while improving access to housing for the members of Maryland's communities who are most at-risk for housing insecurity. Traditionally, fair housing complainants need to prove the *intent* of the act, which results in inequitable outcomes in the acquisition, maintenance, or loss of housing; instead, SB 274 would lower the burden of proof to that of disparate *impact* on an individual of a protected class. From this, it can be reasonably assumed that housing providers will take extra care to ensure they are not discriminating against prospective renters and buyers, either intentionally or unintentionally. This is particularly important to Baltimore City as, according to MCCR's reports, 206 (21.48%) of housing discrimination cases originated from Baltimore City from 2021 to 2025.

For the above-stated reasons, the BCA respectfully requests a **favorable** report on Senate Bill 274.

SB274.DDCouncil. Support.pdf

Uploaded by: Rachel London

Position: FAV



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Senate Judicial Proceedings Committee

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

February 3, 2026

Position: Support

The Maryland Developmental Disabilities Council's (Council) vision is that people with and without disabilities in Maryland live, learn, work, and play together. SB 274 is another step forward to make sure that happens.

WHAT does this legislation do?

- Authorizes the Department of Housing and Community Development (DHCD) to create regulations that actively promote fair housing.
- Prohibits actions that have a discriminatory effect, even if there is no deliberate intent.

WHY is this legislation important?

- **People with developmental disabilities face unique housing challenges.** These can include lack of accessible units, refusal of reasonable accommodations, or exclusionary rules that prevent supportive living arrangements. The bill strengthens the state's ability to respond to these issues and improve housing choice and inclusion for people with developmental disabilities.
- **Fair housing protections today often focus on intent, not impact.** Many people, including those with developmental disabilities, face barriers to housing not because someone intended to discriminate but because policies or patterns in zoning, planning, or housing design have unequal effects. This bill helps close that gap by addressing *disparate outcomes* that create real obstacles to fair housing.

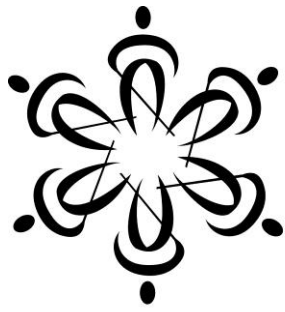
SB 274 is a necessary update to Maryland's fair housing laws, and improves protections and access for people with developmental disabilities.

Contact: Rachel London, Executive Director, RLondon@md-council.org

SB274

Uploaded by: Ronza Othman

Position: FAV



NATIONAL FEDERATION
OF THE BLIND
MARYLAND

Live the life you want.

From: Ronza Othman, President
National Federation of the Blind of Maryland
15 Charles Plaza, #3002
Baltimore, MD 21201 president@nfbmd.org

To: Senate Judicial Proceedings Committee

The members of the National Federation of the Blind of Maryland urge the Senate Judicial Proceedings Committee to give a favorable report to SB0274 Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect. The purpose of this bill is to end discriminatory impact against protected categories such as race, disability, etc. The department of housing and community development is required to work with the counties on this problem. The definition of “fair” must be clearly defined. The department must develop necessary regulations to prohibit and address discriminatory impact.

People with disabilities have had their rights to housing denied for many years due to disabilities. Sometimes this is due to discriminatory intent, but sometimes it is due to disparate impact. These regulations must be enforceable. These bills are a step in the right direction.

For those reasons, we ask for a favorable report on SB0274. For questions, please contact me at President@nfbmd.org or at 443-426-4110.

SB0274 - Disparate Impact in Housing (MCCR-FAV).pd

Uploaded by: S. Spencer Dove

Position: FAV



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

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**Education and
Outreach Director**
Candice Crenshaw

February 3, 2026

**Senate Bill 274 - Fair Housing and Housing
Discrimination - Regulations, Intent, and Discriminatory Effect**
Position: Support

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for enforcing Maryland’s laws prohibiting discrimination in employment, housing, public accommodations, state contracts, commercial leasing, and health services based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, source of income, and military status.

Senate Bill 274 codifies disparate impact theory, an incredibly valuable tool established by *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971) that has been instrumental in the enforcement of federal, State, and local housing anti-discrimination laws for decades. Disparate impact theory holds that a housing practice is unlawful if it adversely affects one group of protected people more than another despite the practice being applied neutrally and without intent to discriminate. SB274 carves out an exception for housing practices justified by a legitimate business necessity that do not have other less discriminatory means of accomplishing that necessity.

Because SB274 codifies existing case law, it will not have an impact on the way MCCR currently enforces Maryland’s housing anti-discrimination protections found in Title 20 of the State Government Article. Rather, SB274 insulates Maryland from potential legal challenges seeking to overturn *Griggs* and, more specifically, the use of disparate impact theory that the U.S. Supreme Court says is a violation of both the Civil Rights Act of 1964 and the Fair Housing Act of 1968.

Historically, approximately 30% of MCCR’s annual complaint intakes are housing discrimination matters¹. As we at the Commission have seen over the years, it is becoming increasingly more common for housing providers to engage in covert acts of discrimination as opposed to overt, blatantly discriminatory acts. These housing

¹ In FY2025, MCCR authorized 825 total charges, 266 of which were complaints alleging unlawful housing discrimination. This is a continued increase from FY2024 when MCCR authorized 670 charges, 240 of which alleged unlawful housing discrimination.

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

practices, when taken at face value, appear neutral and harmless. However, when implemented, these practices have a disproportionately adverse impact against protected classes covered by Maryland law, such as individuals with disabilities and racial minorities². Another increasing trend that's held true for many years, according to MCCR's Annual Reports³, is a housing provider retaliating against a tenant for filing a grievance, such as with a governmental enforcement agency like MCCR, attempting to rectify the alleged discriminatory practice⁴. If disparate impact theory were to be overturned, many victims of unlawful housing discrimination seeking relief would be left without protection by the spirit of Maryland law. SB274 makes disparate impact theory both the spirit and the letter of the law.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on SB274. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to promote and improve fair housing and civil rights in Maryland.

² In FY2025 and consistent with previous years, disability, source of income, and race complaints were the top 3 identified protected classes with 120, 47, and 46 allegations, respectively.

³ <https://mccr.maryland.gov/Pages/Publications.aspx>

⁴ In FY2025, retaliation in housing complaints was alleged 34 times. Harassment, including sexual harassment, was alleged 40 times. Allegations of unlawful harassment and retaliation remain pervasive issues within the housing charges MCCR authorizes annually.

Joint AOBA MMHA SB274.pdf

Uploaded by: Ashley Clark

Position: FWA



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>