



Bill No: SB 530—Housing Opportunities Made Equal Act

Committee: Judicial Proceeding

Date: 2/4/2020

Position: Support with Amendment

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents member companies that combined, own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George’s counties.

SB 530 proposes to prohibit discriminatory practices in residential real estate transactions and the sale or rental of a dwelling because of a person’s source of income. Notably, this protection currently exists in much of the State, but in a variety of different formats. As local governments across the State add discrimination based on “source of income” to the list of prohibited practices in their individual jurisdictions, AOBA members are increasingly operating in jurisdictions with this protection and adapting their practices to the legal and administrative hurdles that accompany participation in the Federal Housing Choice Voucher (voucher) program. Therefore, we support the concept of a uniform and statewide prohibition against source of income discrimination.

Additionally, AOBA members support an amendment to the bill that would allow a housing provider to cap mandatory participation in the Housing Choice Voucher program once 20% of a property’s rental units are occupied by residents utilizing a voucher as payment. There is precedent for this type of provision-- the Baltimore City Council recently enacted their source of income law with such language included. In 1998, Howard County’s source of income protection was amended to allow housing providers to refuse a voucher if 20% of rental units are rented to voucher holders. This 20% threshold is important to AOBA members as they share concerns about re-concentrating and localizing poverty. Concentrating low-income residents in specific rental communities is antithetical to the opportunities associated with the Housing Choice Voucher program and the stated intent of this legislation.

Further, AOBA wishes to protect a common practice of member companies that provide discounts or incentives to certain occupations including teachers, first responders and law enforcement officers. Because SB 530 prohibits discrimination based upon an individual’s income from an “occupation,” providing these types of discounts may be challenged as a violation of the

law. These efforts make housing more accessible for essential community members seeking to live where they work and are an important source of market rate affordable housing.

The following amendment would both (1) provide for a 20% threshold and (2) clarify that housing providers can still offer appropriate incentives:

On page 6, line 30, strike "OR"; On page 6, line 32, strike "." and substitute ";"; On page 6, following line 32, add "(3) REQUIRE LANDLORDS TO ACCEPT ANY MORE THAN 20% OF HOUSING CHOICE VOUCHERS ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937 IN A MULTI-FAMILY COMMUNITY WITH AT LEAST FOUR UNITS; OR" (4) PREVENT A LANDLORD FROM PROVIDING DISCOUNTS TO PUBLIC SERVICE OCCUPATIONS."

AOBA members remain concerned that source of income protections require private housing providers to participate in a voluntary federal program. However, housing providers share lawmakers' desire to deconcentrate poverty. As such, **AOBA supports this legislation with amendment.**

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