

State of Maryland

Commission on Civil Rights

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



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February 9, 2021

House Bill 560 – Human Relations - Discrimination in Housing - Reentry-Into-Society Status POSITION: Letter of Information

Dear Chairperson Barve, Vice Chairperson Stein, and Members of the House Environment & Transportation Committee:

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

House Bill 560 adds “reentry-into-society status” to the list of protected classes under Maryland’s fair housing law. “Reentry-into-society status” is defined as the state of having completed a court-ordered sentence of imprisonment.

As the named enforcement agency in the bill, MCCR thoroughly reviewed agency records and researched the issues associated with this bill. While efforts to reduce recidivism and bolster reentry into society have become policy areas garnering increased attention over the last few years, there does not exist empirical evidence to support adding this as a protected class to Maryland law. In the absence of evidence demonstrating that adding “reentry-into-society status” to Maryland’s fair housing law would achieve the desired policy objectives, MCCR is hesitant to support its inclusion at this time.

Additionally, if passed, MCCR would not be able to enforce this bill without additional resources from the State of Maryland. If HB560 results in an increase in housing discrimination complaints filed with the agency, MCCR would need the funding and resources necessary to accommodate this increase in caseloads. MCCR currently has a contractual relationship with the U.S. Department of Housing & Urban Development (“HUD”) where MCCR investigates complaints of alleged unlawful housing discrimination on behalf of HUD when federal and state law are substantially equivalent. In return, HUD reimburses MCCR based on the number of cases closed during the contract year¹. Because “reentry-into-society status” is not a protected class under the

¹ MCCR has a similar contractual relationship with the U.S. Equal Employment Opportunity Commission (“EEOC”) with respect to employment discrimination complaints.

federal Fair Housing Act, MCCR would not be eligible for reimbursement for any complaints processed under HB560. Thus, additional State resources would be needed so as to ensure the agency's ability to maintain contractual obligations with HUD and the EEOC. MCCR would also likely require additional resources to support the Education & Outreach Unit who would need to incorporate this protected class into its training catalog, while accommodating any potential increase in requests for training on this subject matter.

Furthermore, the definition of "reentry-into-society status" requires clarification in order for the Commission to know to whom and at what point it applies. For example, HB560 needs to be clearer on if these protections apply to those that are on or that have completed parole or probation in connection with a court-ordered sentence. The bill's language should further reconcile state anti-discrimination law with applicable federal and state laws. For example, federal law prohibits certain convicted offenders from participating in public housing programs, while state law prohibits certain convicted offenders from living within a certain distance of a school. Finally, the bill, as drafted, leaves MCCR to question if an act of discrimination would occur because of one's criminal background, or if the denial of a rental or home purchase application is the byproduct of a lack of verifiable rental and/or credit history.

In order to get a better understanding of the challenges facing individuals reentering society after completing a court-ordered sentence, the Maryland Commission on Civil Rights respectfully proposes commencing a study of the issues motivating this bill's introduction. By researching and understanding all of the barriers impacting reentry, MCCR believes the State will be better positioned to craft impactful and meaningful legislation that successfully provides relief to those in need.

Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.