



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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Support – HB 90 – State and Local Housing Programs – Affirmatively Furthering Fair Housing Hearing of the Environment & Transportation Committee, January 26, 2021

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal aid organization that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP regularly represents tenants in failure to pay rent cases and other landlord-tenant matters in Baltimore City.

HPRP strongly supports HB 90, which would amend state law to explicitly include a state affirmatively furthering fair housing (AFFH) obligation. AFFH is a critically important tool to combat segregated housing patterns that persist across Maryland and particularly in the Baltimore metropolitan region. The 2020 Analysis of Impediments to Fair Housing Choice in the Baltimore Region found that “[t]he region remains segregated racially and economically due to past actions that caused and have perpetuated inequities,” including racial zoning, restrictive covenants, and redlining.¹ Indeed, “African American residents in the Baltimore region remain the most segregated of any racial group” and “are still by far the most likely to live in neighborhoods with concentrated poverty and face the largest disparities in educational and health outcomes.”² HB 90 would reinforce Maryland’s commitment to fair and equal housing by requiring both the Maryland Department of Housing and Community Development (DHCD) and political subdivisions, housing authorities, and private entities that receive funding through DHCD to administer their programs to affirmatively further fair housing and to report on the same.

2018 marked fifty years since passage of the Fair Housing Act by Congress. Among other things, the Fair Housing Act requires that programs funded by the United States Department of Housing and Community Development (HUD) affirmatively further fair housing. Yet AFFH has been under attack on the federal level recently, culminating in the rollback of regulations implementing the statutory obligation to affirmatively further fair housing. HB 90 would ensure that Maryland together with its local jurisdictions and housing authorities are not subject to the whims of the federal government when it comes to the important work of dismantling housing segregation.

Maryland would not be the first state to take such action. In 2018, California passed legislation on which HB 90 is modeled in large part.³ New York also has legislation on affirmatively furthering fair housing pending in its state legislature.⁴

¹ *2020 Analysis of Impediments to Fair Housing Choice in the Baltimore Region*, Root Policy Research, 6/30/2020, prepared for the City of Annapolis and the Housing Authority of the City of Annapolis; Anne Arundel County and the Housing Commission of Anne Arundel County; City of Baltimore and the Housing Authority of Baltimore City; Baltimore County; Baltimore Metropolitan Council (BMC); Harford County and the Havre de Grace Housing Authority; and Howard County and the Howard County Housing Commission, available at <https://www.baltometro.org/community/plans/regional-analysis-of-impediments-to-fair-housing-choice>.

² *Id.*

³ See CA Govt. 8899.50(a), available at http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8899.50.

⁴ See New York Senate Bill S8096A, available at <https://www.nysenate.gov/legislation/bills/2019/s8096>.

Protecting and strengthening the work of fair housing has perhaps never been more important than it is right now. 2020 marked the start of a long overdue reckoning with racial inequality in Maryland and across the country. Meanwhile, a global pandemic rages, further exacerbating housing instability for low-income renters, a disproportionate number of whom are persons of color. HB 90 is a necessary and essential part of Maryland's response in this unprecedented moment, as it will enable and empower DHCD, localities, and public housing authorities to take affirmative steps to overcome patterns of segregation, promote fair housing choice, and foster diverse and inclusive communities that truly reflect our Maryland.

HPRP urges a FAVORABLE REPORT on HB 90.

Please contact Karen E. Wabeke, Homeless Persons Representation Project, at 410-685-6589 ext. 20 or kwabeke@hprplaw.org with any questions.