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Land Use and Ethics Subcommittee

Joint Committee on Administrative,
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB90: Affirmatively Furthering Fair Housing

January 26, 2021

Environment and Transportation Committee

What this bill does

The last of the laws passed during the Civil Rights Era - and passed only because of the death of Martin Luther King, Jr. - the federal Fair Housing Act of 1968 was intended to end housing discrimination and to promote diverse, inclusive communities, referred to as affirmatively furthering fair housing (AFFH). Although it succeeded in outlawing and greatly reducing the number of open illegal violations of real estate discrimination, it has ultimately - to this point - failed to integrate America's neighborhoods.

The AFFH obligation is statutory: it is current law for all states and localities. In 2015, the Obama Administration codified a federal regulation intended to help provide guidance to localities and states on how to meet their AFFH obligation. The rule did not enlarge the statutory duty, rather, it provided a framework for sound community planning. It required government agencies to use new mapping and data tools to see the disaggregated data needed to more precisely evaluate the extent to which government policies and investments were meeting their intended goals - and what unintended consequences existed. It did not dictate or prohibit any particular action. It just required data tracking.

That is what this bill does too.

Last summer, the Trump Administration rescinded the 2015 AFFH regulation. This bill is a streamline version of the rescinded rule, but tailored for the state of Maryland. It ensures that regardless of federal regulation, the state of Maryland will do the data collection necessary to understand the ramifications of our planning and spending. This legislation will provide a framework for local communities receiving HUD dollars to make concrete, data-driven, and community-member oriented plans to foster thriving communities for everyone, regardless of race, color, religion, national origin, sex, family status or disability.

Why this bill matters

Over the past 50 years, many jurisdictions and programs that receive federal funding from HUD have failed to fulfil their AFFH obligations and as a result, housing segregation persists. As

recent work by the Harvard economists Raj Chetty, Nathaniel Hendren, and Lawrence Katz has shown, neighborhoods have an enormous influence on their residents' potential for success. According to their landmark study, moving from a high-poverty neighborhood to a low-poverty neighborhood raised incomes by thirty-one per cent, improved college attendance, and reduced teen-age pregnancy.

More than 20 years of research has implicated residential segregation in virtually every aspect of racial inequality, from higher unemployment rates for African Americans, to poorer health care, to elevated infant mortality rates and, most of all, to inferior schools.

No one wins when segregation persists: not white families, not Black or Brown families, not people with disabilities. And so it is in every Marylander's interest that we do all we can to create more integrated neighborhoods and communities.

Unfortunately, the State Department of Housing and Community Development last published an Analysis of Impediments to Fair Housing in May 2015, and hasn't updated the 2015 plan and has not communicated any plan to do so. Moreover, while in past decades it would annually publish data on its programs and the people served, for the past 10-15 years the public data has been sparse and irregular. HB 90 would require the state to update that now stale 2015 product using current data, and to make data regarding the use of public funds more transparent.

HB 90 would also require Maryland to look at conditions statewide, and to examine its own programs and policies that operate around the entire state. The State's 1996 and 2015 Analyses of Impediments were both solely focused on the non-metropolitan areas of the state. It did not evaluate the impact of statewide programs and policies and its demographic analysis did not look at the state as a whole. In fact, in the maps, the metropolitan areas of the state were grayed out. In other words, it ignored the areas of the state where most of the population lives, and where the vast majority of the State's population of color, as well as people with disabilities, reside. HB 90 will correct that omission.

Why you should vote for this bill

So many of the challenges facing our state today flow from our segregated neighborhoods and communities. This bill is an important step - and continues the work we did in passing the HOME Act last year - to ensure that we are creating integrated and thriving communities around the state. And then, ultimately, fulfilling the dream that Dr. King and others had as they labored and worked to pass the Fair Housing Act, 53 years ago.