

Education, Health and Environmental Committee**Feb. 16, 2022****SB 46 – Housing Development and Neighborhood Revitalization Programs – Notice and Application Requirements****Position: Unfavorable**

Disability Rights Maryland (DRM) is the Protection and Advocacy Agency for the State of Maryland. As part of the federal Protection and Advocacy System, DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, decent, affordable and accessible housing.

People with disabilities, especially non-elderly persons with disabilities, have long been recognized as the group with one of the most acute housing needs both in the Maryland, and throughout the Country. A person whose income was derived from SSI in 2021 received \$794.00 a month (the most recent numbers available).¹ At this payment level, to rent a one-bedroom apartment in Maryland requires 157% of SSI income based on a state-wide average (152% of SSI income for an efficiency apartment). In the Baltimore-Columbia-Towson market, the requirement is 140% of SSI income to rent a one-bedroom unit and in the Washington suburbs, rent increases to 195% of SSI monthly income. See [*“The Technical Assistance Collaborative’s” hands-on, data gathering tool.*](#)²

It is therefore not surprising that the Maryland Department of Disabilities has identified construction of affordable and accessible housing for persons with disabilities as an *Olmstead*³ strategy for increasing the integration of people with disabilities into the community. Yet, numerous obstacles remain, and SB 46 if enacted, will likely create additional impediments.

SB 46 requires that the Administration provide notice of **applications** for federal low-income housing tax credits within 14 days of receipt of the application, and requires that applicants for State programs (i.e., Partnership Rental Housing Program, the Community Legacy Program, etc.) provide **advanced notice** of their intent to apply, to members of the delegation to the General Assembly for the district in which the proposed project is located. Such notice requirements may seem innocuous, yet certain jurisdictions in the State where residents are intent on keeping low-income and moderately affordable housing out of their neighborhoods will have advanced notice – at the **pre-application/application** stage – to organize and demand that their representatives prevent such projects from coming to fruition. While this may not be the goal of

¹ SSI income has increased to \$841.00 a month in 2022.

² See also, [*Priced Out: The Housing Crisis for People with Disabilities \(2017\), Technical Assistance Collaborative; Out of Reach \(2019\), National Low-Income Housing Coalition.*](#)

³ *Olmstead v. L.C.*, 527 U.S. 581 (1999)

the SB 46, the likelihood of unintended consequences is high, adding yet another obstacle to the creation of affordable and accessible housing throughout Maryland.

Disability Rights Maryland is co-counsel and participates in monitoring a Voluntary Compliance Agreement – an agreement which resulted from a complaint with the Department of Housing and Urban Development (“HUD”) against a Maryland jurisdiction based upon alleged violations of the Fair Housing Act, and other civil rights laws. As part of the remedy, the jurisdiction has agreed to create hundreds of units of affordable and accessible housing for low-income families, including families with disabilities. The jurisdiction is far behind in the creation of such housing, due in large part to community opposition and an antiquated planning and zoning process.

While the need is great, there are significant barriers to creating affordable housing, some of which are related to NIMBYSM and exclusionary zoning, which keeps higher density housing out of particular neighborhoods by prohibiting building anything other than single-family detached houses. *See [Brookings’ 2020 article on housing affordability](#)*. In addition, market forces and housing speculation continue to endanger the affordability of existing housing. *See [ProPublica “When Private Equity Becomes Your Landlord,” Feb.7, 2022](#)*.

According to a [state-commissioned report](#) released in February 2021, Maryland will have to make substantial changes to its housing ecosystem to keep homes affordable over the next 10 years. An analysis from the University of Maryland’s National Center for Smart Growth and Enterprise Community Partners, a nonprofit housing lender and advocacy organization, says Maryland must add thousands more housing units by 2030 to accommodate a swelling population of low-income residents, while also meeting unmet demand from moderate-income residents, seniors and people with disabilities.

Rather than creating notice requirements, the General Assembly should consider establishing dedicated funding sources for affordable housing, enacting zoning reforms which remove barriers to rezoning, and adopting [rent stabilization](#) policies, just some of the recommendations in the University of Maryland state commissioned report (link above).

For the foregoing reason, Disability Rights Maryland urges an [unfavorable](#) report on SB 46.

Please contact me if you have questions or would like additional information. I can be reached at (410) 727-6352, x-2488 or via email Leslied@disabilityrightsmd.org.

Sincerely,

/s/ Leslie K. Dickinson

Leslie K. Dickinson
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