

MDP SB 274 Testimony.pdf

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Position: FAV



Maryland DEPARTMENT OF PLANNING

HEARING DATE: January 25, 2024
BILL NO: SB0274
COMMITTEE: Education, Energy, and the Environment
POSITION: Support
FOR INFORMATION CONTACT: Andrew Wilson (443) 366-4224

TITLE: Charter Counties - Comprehensive Plans - Affirmatively Furthering Fair Housing

BILL ANALYSIS:

This bill adds to the requirements for the housing element of a charter county's comprehensive plan, enacted or amended on or after January 1, 2025, the inclusion of an assessment of fair housing to ensure the county is affirmatively furthering fair housing. A charter county that completed or revised an Assessment of Fair Housing or an analysis of impediments to fair housing practices shall incorporate that assessment or analysis into the housing element of the charter county's comprehensive plan when that plan is amended.

POSITION AND RATIONALE:

The Maryland Department of Planning (MDP) supports SB0274. This bill amends the Land Use Article's comprehensive plan housing element requirements for charter counties to be the same as non-charter county and municipalities. As of January 1, 2023, non-charter county and municipal comprehensive plan housing elements, governed by Land Use Article Division 1, Title 3, Subtitle 1 (i.e., §3-114), were required to address affirmatively furthering fair housing, pursuant to HB 90 (2021). This bill amends Land Use Article Division 1, Title 1, Subtitle 4, Part II (i.e., §1-407.1), which governs comprehensive plan requirements for charter counties. MDP does not know why the decision was made in 2021 to exclude charter counties from HB 90's fair housing requirement and considers this amendment an opportunity to correct that inadvertent omission. During the passage of HB 1045 in 2019, the requirement of a housing element as a component of the comprehensive plan was mandated for all jurisdictions, regardless of county charter status.

This bill is appropriate because it standardizes fair housing comprehensive planning requirements across all Maryland jurisdictions that exercise planning authority; 18 of Maryland's 24 counties (including Baltimore City) are charter and contain most of Maryland's population. This bill would therefore require fair housing planning with potentially far-ranging impacts. Six of Maryland's 18 charter counties are already HUD entitlement communities, which are required to affirmatively further fair housing through their federal programs and plans. These counties should be familiar with and have the capacity to add this component to their comprehensive plan housing elements. Entitlement communities, through their Community Development Block Grant (CDBG) programs, are similarly already required to conduct an analysis of impediments to fair housing choice. For these six counties, the strategies to affirmatively further fair housing should be readily available for inclusion in the comprehensive plan housing element. MDP has already developed and will continue to expand guidance and resources to support jurisdictions that must affirmatively further fair housing in their comprehensive plan housing elements.

SB274_DHCD_SUPPORT.pdf

Uploaded by: Chuck Cook

Position: FAV



WES MOORE
Governor
ARUNA MILLER
Lt. Governor
JACOB R. DAY
Secretary
JULIA GLANZ
Deputy Secretary

DATE: January 25, 2024
BILL NO.: Senate Bill 274
TITLE: Charter Counties – Comprehensive Plans – Affirmatively Furthering Fair Housing
COMMITTEE: Senate Committee on Education, Energy and the Environment

Letter of Support

Description of Bill:

This legislation would expand HB90’s requirements to affirmatively further fair housing to Maryland’s 11 charter counties: Anne Arundel, Baltimore, Cecil, Dorchester, Frederick, Harford, Howard, Montgomery, Prince George’s, Talbot and Wicomico. It requires these counties to include in their comprehensive plans, beginning in 2025, a fair housing assessment to ensure that the county is affirmatively furthering fair housing.

Background and Analysis:

HB90, enacted in 2021, requires the housing elements of municipalities and non-charter counties in Maryland to affirmatively further fair housing, and requires DHCD to consult and work with local jurisdictions to gather data and submit a report on fair housing to the Governor and General Assembly every five years.

“Affirmatively furthering fair housing,” as defined in HB90, includes taking meaningful actions to:

- Overcome patterns of segregation;
- Foster inclusive communities free from barriers that restrict access to housing and opportunity based on protected characteristics;
- Address significant disparities in housing needs and access to opportunity;
- Replace segregated living patterns with truly integrated and balanced living patterns; and
- Foster and maintain compliance with civil rights and fair housing laws.

Aside from the requirement to include a fair housing assessment in the comprehensive plan, HB90 does not require jurisdictions to take specific actions to affirmatively further fair housing, allowing them to develop their own tailored approaches that fit the needs of the local community.

Expanding these requirements to charter counties – which include over half of Maryland’s population – ensures all Marylanders will benefit from HB90’s focus on resolving inequities in housing and applies existing state law equitably across local governments.

DHCD Position:

The Maryland Department of Housing and Community Development respectfully requests a **favorable** report on Senate Bill 274.

SB 274 DRM Written Support_final.pdf

Uploaded by: Cooper Gerus

Position: FAV

Disability Rights Maryland

Senate Education, Energy, and the Environment Committee

January 25, 2024

SB 274 - Charter Counties - Comprehensive Plans - Affirmatively Furthering Fair Housing POSITION: SUPPORT

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, affordable and accessible housing.

DRM **supports** SB 274 as the mandate imposed by the bill should result in developing concrete and specific actions from Maryland’s charter counties and the State to redress the segregation of people with disabilities, especially those of color. Under the federal Fair Housing Act,¹ and Maryland’s Fair Housing Act,² the State must affirmatively reduce the segregation of persons with disabilities created by decades of public policy. SB 274 would provide the roadmap necessary to make that obligation a reality by mandating that charter counties assess and affirmatively further fair housing efforts under the housing element in their comprehensive plans.

The lack of safe, decent, affordable, and accessible housing remains a significant barrier to people with disabilities moving from institutional settings to the community.³ Obtaining safe, affordable and accessible housing can provide the foundation for community integration, economic mobility, and improved quality of life for people with disabilities.⁴ Additionally, individuals with disabilities continue to face disproportionately high levels of discrimination in housing. Disability discrimination complaints make-up 53.26% for complaints made to federal, state and local agencies.⁵ Other reports reinforce the continued discrimination faced by people with disabilities in housing.⁶

¹ 42 U.S.C. 3608(d).

² Md. Ann. Code, State Gov’t, 20-709.

³ See MARYLAND DEPARTMENT OF DISABILITIES, MARYLAND STATE DISABILITIES PLAN, 2016-2019 12-13 (2016), available at [http://mdod.maryland.gov/pub/Documents/post%20sdp%20\(1\).pdf](http://mdod.maryland.gov/pub/Documents/post%20sdp%20(1).pdf).

⁴ PUBLIC AND AFFORDABLE HOUSING RESEARCH CORPORATION. 2016. HOUSING IS A FOUNDATION: 2016 PAHRS REPORT. CHESHIRE, CT: HAI GROUP. https://www.novoco.com/sites/default/files/atoms/files/pahrc_2016_housing_report_080216.pdf

⁵ NATIONAL FAIR HOUSING ALLIANCE, THE CASE FOR FAIR HOUSING: 2017 FAIR HOUSING TRENDS REPORT. In FY 2020, 48% of all housing cases received by the Maryland Commission on Civil Rights alleged disability discrimination. MARYLAND STATE COMMISSION ON CIVIL RIGHTS, 2020 ANNUAL REPORT, available at https://mccr.maryland.gov/Documents/MCCR_AnnualReport2020_Digital_FINAL.pdf

⁶ EQUAL RIGHTS CENTER, DISCONNECTED: HOUSING DISCRIMINATION AGAINST THE DEAF AND HARD OF HEARING (2012), available at <https://deldhub.gacec.delaware.gov/pdf/Disconnected.pdf>; UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF POLICY DEVELOPMENT AND RESEARCH, RENTAL HOUSING DISCRIMINATION ON THE BASIS OF MENTAL DISABILITIES: RESULTS OF A PILOT TEST, <https://www.huduser.gov/portal/sites/default/files/pdf/MentalDisabilities-FinalPaper.pdf>



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

Further, racial discrimination and discrimination against people with disabilities work in tandem. According to the CDC, one in four African-American adults have a disability compared to one in five white adults; a number exacerbated by historical housing discrimination and high rates of exposure to lead paint poisoning.⁷ For example, in Southwest Baltimore the population is 75% African-American due to historical segregation, and that area had a 37% lead paint violation rate in 2017.⁸ Compare that to the Roland Park neighborhood of Baltimore, which is 82% white, only has a 1.5% lead paint violation rate in 2017.⁹ Racial segregation compounds health inequities and contributes to the segregation, endemic poverty, and institutionalization of persons with disabilities.

As set forth in the preamble of this legislation, SB 274 serves to alter “requirements for the housing element of a charter county’s comprehensive plan to include requirements related to affirmatively furthering fair housing[.]” Notably, the assessment requirement imposed under SB 274, Sec. 1–407.1 (D)(2) mandates that charter counties evaluate efforts to affirmatively further fair housing. Such assessments will likely elucidate actionable goals to promote greater integration and equity.

Affordable housing development and creation of more affordable housing alone does not necessarily create integrated housing opportunities for people with disabilities, including those of color.¹⁰ Removing barriers to housing choice should be driven by facts, data, and the experiences of persons who continue to face barriers to housing choice. Such barriers can be brought to light by requiring that charter counties assess their efforts to affirmatively further fair housing under their comprehensive plans.

SB 274 provides tools needed to affirmatively further fair housing for individuals with disabilities, especially those of color. For these reasons, DRM encourages a **favorable** report.

Please do not hesitate to contact me with any questions regarding this matter.

Cooper Alec Gerus (he/him)
Staff Attorney
Disability Rights Maryland
1500 Union Avenue, Ste. 2000
Baltimore, MD 21211
(202)-709-8513
CooperG@DisabilityRightsMD.org

⁷ CENTER FOR DISEASE CONTROL, ADULTS WITH DISABILITIES: ETHNICITY AND RACE, available at <https://www.cdc.gov/ncbddd/disabilityandhealth/materials/infographic-disabilities-ethnicity-race.html>

⁸ BALTIMORE CITY HEALTH DEPARTMENT, BALTIMORE CITY 2017 NEIGHBORHOOD HEALTH PROFILE, available at <https://health.baltimorecity.gov/neighborhoods/neighborhood-health-profile-reports>

⁹ *Id.*

SB0274 - Charter Counties - Comprehensive Plans -

Uploaded by: Joe Griffiths

Position: FAV



Maryland DEPARTMENT OF PLANNING

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POSITION: Support
FOR INFORMATION CONTACT: Andrew Wilson (443) 366-4224

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MAHC testimony_SB 274_Comp Plans AFFH.pdf

Uploaded by: Miranda Willems

Position: FAV



**Testimony to the Education, Energy & Environment Committee
SB 274 – Charter Counties – Comprehensive Plans – Affirmatively Furthering
Fair Housing
Position: Support**

SB 274 would require that a comprehensive plan adopted by a local jurisdiction include an assessment of their efforts to affirmatively further fair housing in the housing element of the plan. MAHC supports the addition of the fair housing assessment in the comprehensive plans and thinks it's an important step towards encouraging local jurisdictions to support fair and equitable housing access in their communities.

MAHC is the leading organization for the affordable rental housing industry in Maryland and represents over 185 member organizations, including nonprofit and for-profit developers, State and local housing authorities, property management companies, financial institutions, community development organizations, contractors, investors, consultants and individuals.

Respectfully submitted on January 25, 2024 by Miranda Darden-Willems, Executive Director, on behalf of the MAHC Board of Directors.

MAHC Board of Directors

Christine Madigan, Enterprise Community Development, President
Tom Ayd, Green Street Housing, Vice President
Willy Moore, Southway Builders, Secretary
Miles Perkins, AGM Financial, Treasurer
Mansur Abdul-Malik, NHP Foundation
Marsha Blunt, Pennrose Properties
Mike Cumming, CohnReznick, Chief Financial Officer
Mary Claire Davis, AHC Greater Baltimore
Ivy Dench-Carter, Pennrose Properties, Ex-Officio
Maryann Dillon, Housing Initiative Partnership
Peter Engel, Howard County Housing Commission
Mike Font, New Harbor Development
Chickie Grayson, Retired, Advisor Emeritus
Dana Johnson, Homes for America
Brian Lopez, Osprey Property Company
Dan McCarthy, Episcopal Housing
David Raderman, Gallagher, Evelius & Jones, Of Counsel
Catherine Stokes, Telesis Corporation
Jessica D. Zuniga, Foundation Development Group, Ex Officio

MDP SB 274 Testimony.pdf

Uploaded by: Rebecca Flora

Position: FAV



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BaltimoreCounty_FAV_SB0274.pdf

Uploaded by: William Thorne

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

WILLIAM J. THORNE
Legislative Associate

BILL NO.: SB274

TITLE: Charter Counties - Comprehensive Plans –
Affirmatively Furthering Fair Housing

SPONSOR: Chairman Feldman, on behalf of the Department of Planning

COMMITTEE: Education, Energy and the Environment

POSITION: **SUPPORT**

DATE: January 25, 2024

Baltimore County **SUPPORTS** Senate Bill 274 – Charter Counties - Comprehensive Plans – Affirmatively Furthering Fair Housing. This bill requires the planning commission of each charter county to include in the housing element of their comprehensive plan an assessment of fair housing to ensure that the county is affirmatively furthering fair housing.

Maryland, like many other states, is facing a sizeable deficit in attainable housing. As scarcity persists, costs rise, often beyond the affordability of working families. Baltimore County firmly believes that assessing how master plans will impact the distribution and availability of housing opportunities is an important part of the master planning process. In fact, this information is already collected by the Baltimore Metropolitan Council (BMC), of which Baltimore County is an active participant. BMC compiles a Regional Analysis of Impediments (AI) to Fair Housing for each member jurisdiction every four years, providing our County with much of the information required under the legislation. An MOU between Baltimore County and the BMC for the 2024 AI was recently signed, and the 2024 AI process will soon kick off.

Accordingly, Baltimore County urges a **FAVORABLE** report on SB 274 from the Senate Education, Energy and the Environment Committee. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov

HB274 Charter Counties_ Informational Position Sta

Uploaded by: Jordan BaucumColbert

Position: INFO



Position Statement

Bill: SB0274 – Charter Counties – Comprehensive Plans – Affirmatively Furthering Fair Housing

Position: Informational

Date: January 25, 2024

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear Chair Brian J. Feldman and Vice Chair Cheryl C. Kagan,

The Maryland National Capital Park and Planning Commission (M-NCPPC or the “Commission”) has not voted on an official position yet, but they have directed staff to prepare a statement in support of this bill. Therefore, the Commission respectfully requests the Education, Energy and Environment Committee consider this information and include it in the record.

- We are supportive of the idea of adding an affirmatively furthering fair housing analysis to Prince George’s and Montgomery Planning’s master plans.
- We believe that using our comprehensive and master plans to assess fair housing builds on the work we’ve done regionally, through the COG Regional Fair Housing Plan, as well as our new General Plan, *Thrive Montgomery 2050*. *Thrive Montgomery 2050* calls on Montgomery County to expand housing access through the elimination of fair housing barriers and enforcement of fair housing laws to protect residents from discrimination, and our master plans are one tool we have to help meet this goal. *Plan Prince George’s 2035* is Prince George’s County’s General Plan. *Plan Prince George’s 2035* calls on Prince George’s County to provide housing to meet the County’s growing and changing population and to build well-designed, mixed-income housing in targeted development areas with easy access to jobs.
- We look forward to working with both the Maryland Department of Planning and Maryland Department of Housing and Community Development to better understand what implementation looks like, and how we can use our existing master planning

processes like our existing conditions analysis and our housing chapters to incorporate affirmatively furthering fair housing analysis.

We respectfully request that the committee consider this information and include it in the record.