

## 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,<sup>1</sup> and Maryland’s Fair Housing Act,<sup>2</sup> 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.<sup>3</sup> Obtaining safe, affordable and accessible housing can provide the foundation for community integration, economic mobility, and improved quality of life for people with disabilities.<sup>4</sup> 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.<sup>5</sup> Other reports reinforce the continued discrimination faced by people with disabilities in housing.<sup>6</sup>

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<sup>1</sup> 42 U.S.C. 3608(d).

<sup>2</sup> Md. Ann. Code, State Gov’t, 20-709.

<sup>3</sup> 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).

<sup>4</sup> 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](https://www.novoco.com/sites/default/files/atoms/files/pahrc_2016_housing_report_080216.pdf)

<sup>5</sup> 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](https://mccr.maryland.gov/Documents/MCCR_AnnualReport2020_Digital_FINAL.pdf)

<sup>6</sup> 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>



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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.<sup>7</sup> 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.<sup>8</sup> Compare that to the Roland Park neighborhood of Baltimore, which is 82% white, only has a 1.5% lead paint violation rate in 2017.<sup>9</sup> 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.<sup>10</sup> 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.

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

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

<sup>9</sup> *Id.*