

**DATE:** February 28, 2025  
**BILL NO.:** House Bill 1239  
**TITLE:** Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect  
**COMMITTEE:** House Environment and Transportation Committee

### Letter of Support

#### Description of Bill:

HB 1239 authorizes the Department of Housing and Community Development to adopt regulations to carry out its programs and activities related to the agency's obligation to affirmatively further fair housing. The legislation also prohibits a person from acting "in a manner that has a discriminatory effect against a person in the terms, conditions, or privileges of the sale or rental of a dwelling [and provision of services] ...because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status. This prohibition applies regardless of the stated intent of the accused unless "the action was justified by a legitimate business necessity" and "the person could not have accomplished the legitimate business necessity by less discriminatory means".

#### Background and Analysis:

DHCD currently has a reporting requirement in the AFFH statute (hcd § 2-402 and § 2-302). This report discusses:

- The efforts by the State, political subdivisions, and housing authorities to promote fair housing choice and racial and economic housing integration, and the results of those efforts, delineated by county; and
- Any assessment of fair housing required under § 3-114(d)(2) of the Land Use Article completed since the most recent report, including any assessment of fair housing completed or revised under the federal Department of Housing and Urban Development's most recently published affirmatively furthering Fair Housing Rule.

Allowing DHCD to write regulations to carry out the AFFH statute will ensure that a priority of the Moore-Miller administration, and a public good for the state, is protected under state law. Regardless of what actions are taken at the federal level, the statutory requirement of DHCD to further fair housing will be strengthened with the ability to write regulations to carry out the agency's obligation.

DHCD's ability to combat discrimination, whether in overcoming patterns of segregation or fostering "inclusive communities that are free from barriers that restrict access to housing and opportunity based on a protected characteristic" is also given clarity with the provision to prohibit discriminatory acts regardless of intent. In specifying that intent is not enough to defend a discriminatory act, the state would be rightfully placing the most protections on the most vulnerable.

#### DHCD Position

The Department of Housing and Community Development respectfully requests a **favorable** report on HB 1239.