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HB 1239 - Fair Housing and Housing Discrimination – Regulations, Intent, and Discriminatory Effect

**Hearing before the House Environment and Transportation Committee,
February 28, 2025**

Position: SUPPORT (FAV)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. PJC is a member of Renters United Maryland. PJC urges the Committee to issue a Favorable Report on HB 1239.

Due to the historic, structural nature of racism, sexism, and other prejudices, housing discrimination remains a pervasive issue in Maryland – often manifesting through policies that disparately impact protected groups, including limited income families, persons of color, veterans, and persons with disabilities. These policies and practices create significant barriers to equitable housing access and perpetuate systemic inequalities.

HUD's current discriminatory effects regulation provides guidance for individuals who claim that a policy or practice has a discriminatory effect or "adverse impact" in violation of the federal Fair Housing Act. Public Justice Center has brought at least one discriminatory effects complaint to HUD and successfully resolved the matter with a settlement that has increased housing opportunities for thousands of Maryland families. However, current federal initiatives to [defund HUD's enforcement capacity](#) and likely repeal [HUD's rule](#) on discriminatory effects will decimate this critical tool for enforcing fair housing obligations. Project 2025 aims to reshape federal agencies in a manner that will undermine fair housing protections, making state-level safeguards more crucial than ever.

To be clear: Public Justice Center believes that Maryland's Fair Housing Act, which is modeled on the federal act, should already be interpreted to allow for discriminatory effect claims. In that sense HB 1239 codifies and clarifies existing law. That is HB 1239 spells out the discriminatory effects test already provided for in HUD's regulations into Maryland law, and empowers DHCD to issue additional regulatory guidance. HB 1239 therefore helps clarify that our state laws should be aligned with established federal standards.

HB 1239 will empower the Attorney General's Office and the MD Commission on Civil Rights to effectively oversee and enforce compliance, holding bad actors accountable for discriminatory practices. This proactive approach is essential in safeguarding vulnerable populations and promoting inclusive, diverse communities across Maryland.

Housing is a fundamental human right. It is incumbent upon us to dismantle the structural barriers that impede access to this right. For these reasons, we respectfully ask the committee for a **favorable report on HB 1239.**