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Senate Bill 677 - Human Relations - Discrimination in Housing - Income-Based Housing Subsidies Position: Support with Amendments

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for enforcing Maryland’s laws prohibiting discrimination in employment, housing, public accommodations, state contracts, commercial leasing, and health services based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, source of income, and military status.

Senate Bill 677 amends Maryland’s Fair Housing law to prohibit a landlord from refusing to rent to a prospective tenant based on that tenant’s income, credit score, lack of credit score, or adverse credit history if the tenant pays rent with the aid of any government or private assistance, grant, loan, or rental assistance program, including low income housing assistance certificates and vouchers issued under the United States Housing Act of 1937. *See* Md. Code Ann., State Government (“SG”) Art. § 20-701(j)(2)(ii). Complaints alleging violations of the bill’s provisions would be potential source of income discrimination that can be filed with the Commission.

For many Maryland renters, obtaining rental assistance is a life altering event. It is commonplace for renters to be waitlisted for years before being approved to receive any form of rental assistance. Once approved, programs frequently require renters to secure housing within a set period of time. It is unfair for these renters that now have the ability to pay rent in-full consistently and on the agreed-to terms simply because the landlord denies them due to an imperfect credit history. In some situations, these denials continue for so long that the renter is removed from the assistance program for inability to secure housing.

The General Assembly passed the Housing Opportunities Made Equal (“HOME”) Act during the 2020 Legislative Session, prohibiting housing discrimination based on source of income after nearly a decade of deliberation, advocacy, and compromise. Since taking effect, MCCR has seen a rapid increase in the number of housing complaints alleging source of income discrimination. In FY2021, source of income was identified nine times in the Commission’s housing caseload of 159 complaints. In FY2024, source of income was identified 63 times in the Commission’s housing caseload of 247 complaints. The

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

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FY2024 total is remarkable, too, because source of income discrimination was the fourth most frequently identified protected class for the first time in its short tenure within Maryland law. The top three protected classes identified in FY2024 were disability (294), harassment (109), and race (96) – protected classes that were often co-identified within complaints alleging source of income discrimination.

It is clear to the Maryland Commission on Civil Rights that the intersection between protected classes such as race and national origin within Maryland's anti-discrimination laws is an ever-increasing challenge facing communities throughout our State. Discrimination these days is not overt and easy to detect. Rather, source of income discrimination co-identified with another protected class manifests in covert ways, such as by denying a prospective tenant's rental application because of an adverse credit history. SB677 closes a loophole by giving Maryland's vulnerable communities access to fair and stable housing that they are able to afford.

MCCR would like to thank the bill sponsors, Delegate Stewart and Senator Gile, as well as the Department of Housing & Community Development for including the Commission in this bill's discussions. It is due to these collaborative efforts that we were able to suggest technical amendments that harmonize the intent of the sponsors with language to be added to existing statute.

For these reasons, the Maryland Commission on Civil Rights urges a favorable with amendment vote on SB677. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to promote and improve fair housing and civil rights in Maryland.