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**Testimony of Jonathan M. Smith, Chief of the Civil Rights Division
Before the Senae Judiciary Committee
In Support of Senate Bill 677
February 18, 2025**

Maryland has strong protections against discrimination in housing. There is a gap, however, in Maryland law that permits the use of credit scores to deny housing to persons who use a voucher to pay their rent, despite that all or a portion of the rent is guaranteed by the voucher program. House Bill 896 closes that gap in our antidiscrimination laws. On behalf of the Office of the Maryland Attorney General, I urge a favorable report on Senate Bill 677.

Housing discrimination is a persistent problem in Maryland. Maryland is amongst the most diverse states in the nation,¹ yet it remains highly segregated.² Segregation has an impact on every aspect of life. The ability to live where one chooses affects access to nutrition or health care,³ defines what school a student can attend, limits access to work or transportation, and impacts recreational and cultural opportunities.

Voucher holders are disproportionately Black and Brown and persons with disabilities.⁴ The housing voucher program emerged as a response to the racial segregation of site based public housing.⁵ Nevertheless, voucher holders continue to be more likely to live in racially and

¹ <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html>

² Maryland Segregation Map, https://hdpulse.nimhd.nih.gov/data-portal/physical/map?race=00&race_options=raceall_1&sex=0&sex_options=sexboth_1&age=001&age_options=ageall_1&statefips_options=area_states&demo=01005&demo_options=res_seg_2&physicaltopic=100&physicaltopic_options=physical_2&statefips=24

³ Huang SJ, Sehgal NJ (2022) Association of historic redlining and present-day health in Baltimore. PLoS ONE 17(1): e0261028. <https://doi.org/10.1371/journal.pone.0261028> (last visited January 24, 2024).

⁴ Urban Institute, Protecting Housing Voucher Holder from Discrimination (October 2020) [Protecting Housing Choice Voucher Holders from Discrimination](#).

⁵ Martha Galvez, Neighborhood Mobility Programs as a Remedy to the legacy of Racial and Economic Segregation, Urban Institute, [Neighborhood Mobility Programs as a Remedy to the Legacy of Racial and Economic Segregation | Urban Institute](#).

economically segregated neighborhoods.⁶ The continuing segregation is driven in part by voucher discrimination and, where it has a disparate impact based on race, can constitute unlawful race discrimination.⁷

In addition to its design as a tool for economic and racial integration, vouchers are utilized by State programs to meet obligations to provide inclusive communities for people with disabilities.. The Developmental Disabilities Administration created a Rent Subsidy Program that allows persons with disabilities enrolled in DDA services to live in integrated housing.⁸ Similarly, the Maryland Department of Health uses a similar model to help transition persons with mental illness to more integrated housing with their permanent Supportive Housing initiative.⁹

The General Assembly extended protections against discrimination to include persons who use a government voucher to pay rent when it enacted the Housing Opportunities Made Equal or “HOME” Act.¹⁰ When introducing the HOME Act in the 2020 General Assembly, Senator William Smith noted that “[D]iscrimination in housing based on a person's source of income primarily affects . . . families with children, people of color, and people with disabilities.”¹¹

The HOME Act, however, contained an exception for the use of “commercially reasonable and nondiscriminatory manner the source and amount of income or creditworthiness of the potential buyer or renter.”¹² While we believe that the use of credit scores to measure whether a voucher holder will pay their rent is not commercially reasonable because all or most of the rent is being paid by the voucher program, many landlords continue to use a minimum credit score to exclude voucher holders. This practice undermines the very purpose of the HOME Act.

The Maryland Commission on Civil Rights has recommended amendments to the statute. These amendments align the bill with the HOME Act and maintain the substance. The Office of the Attorney General supports these amendments.

Senate Bill 677 will make clear that the practice of requiring a credit score for voucher holders who apply to rent is illegal. For these reasons, we urge a favorable report.

⁶ Center on Budget and Policy Priorities, Interactive Map: Where Voucher Households Live in the 50 Largest Metropolitan Areas (January 19, 2019) [Interactive Map: Where Voucher Households Live in the 50 Largest Metropolitan Areas | Center on Budget and Policy Priorities](#).

⁷ [Source of Income Protections | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

⁸ <https://health.maryland.gov/dda/Documents/Housing%20Rent%20Subsidy%20Program%20At%20a%20Glance%20-%205.8.22.pdf>

⁹ <https://health.maryland.gov/bha/Pages/permanent-supportive-housing.aspx>.

¹⁰ Md. Code Ann., State Gov’t § 20-705(1).

¹¹ Hearing on S.B. 530 Before S. Jud. Proc. Comm. (Feb. 4, 2020) https://mgaleg.maryland.gov/mgaweb/Committees/Media/false?cmte=jpr&ys=2020RS&clip=JPR_2_4_2020_meeting_1&billNumber=sb0530; *see also* 2020 Md. Laws ch. 117, pmbl..

¹² Md. Code Ann., State Gov’t § 20-704(d)(1).