

February 17, 2026

To: House Economic Matters Committee

**Re: SB 274/HB 573 - Fair Housing and Housing Discrimination - Regulations, Intent, and Discriminatory Effect**

This is an essential bill to protect Marylanders from discriminatory housing policies. The Poverty & Race Research Action Council (PRRAC) is a civil rights policy organization dedicated to the cause of fair housing, and the urgent need to address the policies that continue the perpetuation of segregation at every level of government. Our work is grounded in empirical research, legal analysis, and demonstrated solutions.

PRRAC's knowledge and experience with the affirmatively furthering fair housing (AFFH) obligation and disparate impact/discriminatory effect liability dates back to 2008. Since then, we have provided technical assistance to jurisdictions implementing AFFH, submitted numerous regulatory comments, and participated in key litigation as both amicus and as Plaintiff.

While housing segregation has been illegal since the passage of the Fair Housing Act (FHA), people experience vastly different access to economic and housing opportunities based on their race.<sup>1</sup> A person's zip code can determine their chances of graduating from high school or college, getting arrested, net worth, income, ability to own a home, credit score and even how long they will live.<sup>2</sup> Segregation creates a built-in inequitable environment that deprives communities of color of the resources and opportunities found in the neighborhoods of their White counterparts.<sup>3</sup> Although many policies and guidelines may not be explicitly discriminatory on their face, they generate widespread disparate outcomes which disproportionately disadvantage Black families and other communities of color.

To combat this, jurisdictions must implement, clarify, and uphold their FHA obligations. To be clear, this bill does not create any new framework, it merely codifies existing law. Disparate impact liability has been recognized consistently for decades through legislative, regulatory, and judicial precedent. Despite the Trump administration's attack on disparate impact, executive orders and regulatory rule rescissions cannot overturn binding Supreme Court precedent which recognizes discriminatory effects regardless of intent.<sup>4</sup> The Maryland Supreme Court has also recognized this principle.<sup>5</sup> This bill will bring

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<sup>1</sup> Jung Hyun Choi et al., Urban Inst., *Explaining the Black-White Homeownership Gap: A Closer Look at Disparities across Local Markets* 4–11, [https://www.urban.org/sites/default/files/publication/101160/explaining\\_the\\_black-white\\_homeownership\\_gap\\_a\\_closer\\_look\\_at\\_disparities\\_across\\_local\\_markets\\_0.pdf](https://www.urban.org/sites/default/files/publication/101160/explaining_the_black-white_homeownership_gap_a_closer_look_at_disparities_across_local_markets_0.pdf); see also *Separate and Unequal: The Legacy of Racial Discrimination in Housing: Hearing Before the S. Comm. on Banking, Hous., & Urb. Affs.*, 117th Cong. (2021) (testimony of Lisa Rice, President & CEO, Nat'l Fair Hous. All.).

[https://nationalfairhousing.org/wp-content/uploads/2022/07/Separate-and-Unequal\\_The-Legacy-of-Racial-Discrimination-in-Housing\\_Testimony-of-Lisa-Rice.pdf](https://nationalfairhousing.org/wp-content/uploads/2022/07/Separate-and-Unequal_The-Legacy-of-Racial-Discrimination-in-Housing_Testimony-of-Lisa-Rice.pdf)

<sup>2</sup> *Separate and Unequal*, *supra* note 1, at 7.

<sup>3</sup> *Id.*

<sup>4</sup> *Texas Dep't of Housing & Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 545 (2015)

<sup>5</sup> *Hare v. David S. Brown Enterprises, Ltd.*, 491 Md. 653 (2025).

the Maryland Fair Housing Act into alignment with existing legal precedent and offer clarity on how to address complaints.

Therefore, PRRAC is strongly in favor of SB 274/HB 573 and applauds the Maryland General Assembly for continuing to be at the forefront of civil rights progress.

Respectfully,

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State and Local Advocacy Fellow