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## Equal Rights Center Urges Passage of SB 335

The Equal Rights Center is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment, and public accommodations in its home community of Greater Washington, DC and nationwide. For many years, the ERC has conducted intakes with individuals in Maryland who believe they may have experienced housing discrimination, investigated individual claims and systemic forms of housing discrimination, pursued enforcement of the Fair Housing Act and Virginia's fair housing law as needed, and conducted education and outreach about fair housing protections and requirements. The Equal Rights Center appreciates this opportunity to submit testimony in support of SB 335.

**The Equal Rights Center supports the passage of SB 335, Human Relations - Discrimination in Housing - Income-Based Housing Subsidies, because the bill would strengthen Maryland's source of income protections and create greater housing stability for renters that receive income-based housing assistance.**

In 2020, Maryland banned source of income discrimination when it passed the HOME Act, ensuring that recipients of rental assistance could not be rejected from a property based solely on their use of a housing voucher or subsidy. Previously, renters with housing vouchers in Maryland could only use their vouchers at properties that elected to accept them, which tended to be clustered in lower-income areas. These limited choices frustrated the very purpose of voucher programs: to help low-income residents move to areas of opportunity, with better access to jobs, schools, and other community resources and amenities. By banning source of income discrimination, Maryland expanded the options available to renters with vouchers, enabling them to live in the home and neighborhood of their choice.

**However, in contravention to the HOME Act's intent, many housing providers continue to exclude qualified renters with housing vouchers from their properties via the use of overly restrictive income and credit criteria.** These overly restrictive criteria not only make it difficult for voucher holders to make informed choices about where to apply for housing, but ultimately restricts them from the neighborhoods and homes that are the best fit for their families. Voucher holders have shared that these barriers are extremely discouraging and make them feel looked down upon. Even worse, these rejections delay families with vouchers from securing a home,

potentially forcing them to rent a substandard or unsafe home or risk losing their housing voucher altogether and becoming homeless.

Since Maryland added source of income protections to its fair housing law, the ERC has fielded dozens of reports of illegal source of income discrimination against Maryland renters. **Minimum income requirements serve as a profound barrier for applicants with housing vouchers**, especially in cases where a housing provider requires a voucher holder to show proof of income that is three or four times the total rent. **These income requirements effectively exclude virtually all renters with vouchers, since voucher programs are specifically designed to help low-income renters obtain housing that they otherwise could not afford.** Even when housing providers have a policy of considering only whether a voucher holder makes 3 or 4 times their portion of the rent, the ERC has repeatedly seen leasing agents misunderstand and misapply the policy. This results in voucher holders being discouraged from applying or being unfairly rejected for tenancy based on improper income screenings.

Additionally, income screenings are not necessary for renters with housing vouchers given that **the Housing Choice Voucher Program calculates the household's monthly rent portion to be affordable based on the household's income.** A voucher holder typically pays about thirty percent of their monthly income towards rent, with the Housing Choice Voucher covering<sup>[OBJ]</sup> SB 335 would remove unfair and unnecessary income screenings by prohibiting housing providers from considering the income level of rental applicants who use an income-based housing subsidy like a housing voucher.

In a similar vein, some Maryland housing providers have unfairly denied rental applicants based on credit issues, like a low credit score or negative credit history that occurred prior to when the applicant received a housing voucher. **A voucher holder's financial situation and ability to pay rent meaningfully change when they receive a housing voucher, yet credit screenings do not reflect this change.** Further, many voucher holders pay only a small portion of their total rent, or no portion at all, with the remainder covered by the housing voucher. **As such, credit score and credit history prior to when the renter received their voucher are not reliable predictors of their ability to pay rent.** SB 335 would prohibit housing providers from considering these irrelevant credit-related factors, ensuring that renters with income-based assistance are treated more fairly in the screening process, improving their chances of finding a suitable home. **SB 335 would align Maryland's source of income protections with those in D.C., which have been critical to stamping our discriminatory barriers that stand in the way of housing**

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<sup>1</sup> U.S. Department of Housing and Urban Development. (n.d.). *Calculation of Income and Family Rent Portion for the Housing Choice Voucher Program*. HUD Exchange. <https://files.hudexchange.info/resources/documents/Calculation-of-Income-and-Family-Rent-Portion-for-the-Housing-Choice-Voucher-Program.pdf>.

**choice and stability for households with income-based rental assistance.** The Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022 made it illegal for housing providers in D.C. to deny a voucher holder’s application based on their income level, credit score (or lack of a credit score), or negative credit issues that occurred prior to the applicant’s receipt of the subsidy. This law has dramatically improved the ability of renters with housing vouchers to secure housing, since irrelevant income and credit factors can no longer act as barriers. It has also helped clarify to housing providers how they should screen applicants with housing vouchers. In fact, some housing providers that serve the District and larger mid-Atlantic region have voluntarily adopted these screening practices across their portfolios in order to more fairly consider applicants with housing vouchers. Maryland lawmakers should pass SB 335 to similarly clarify the state’s source of income protections, reduce confusion for housing providers, and eliminate barriers needlessly preventing renters with vouchers from securing housing. Lastly, it is important to note that source of income discrimination is serving as a modern-day form of racial discrimination. Eighty percent of households in the Housing Choice Voucher Program (HCVP) in Maryland identify as Black, despite Black individuals comprising less than 35% of the Maryland population.<sup>2</sup> This means that screening criteria that exclude HCVP participants disproportionately exclude Black renters. Black families in Maryland are also more likely to have low incomes than their white counterparts, and nationwide, the average credit score for Black individuals is nearly 100 points lower than the average score for white individuals.<sup>3</sup> Reducing tenancy screening barriers for voucher holders would thus help to address racial inequalities in housing in the state.

In conclusion, the ERC encourages passage of SB 335. The bill will ensure that renters who use income-based housing assistance do not encounter discriminatory barriers when applying for housing, making it easier for them to secure a home that meets their needs in their neighborhood of choice. Housing providers will also have clearer guidance on income and credit screening requirements for renters with income-based housing assistance. These benefits are proven by D.C.’s implementation of similar legislation, which has noticeably improved outcomes for District renters with housing vouchers. For all of these reasons, the Equal Rights Center urges Maryland lawmakers to pass SB 335 and improve outcomes for renters across the state.

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<sup>2</sup> HUD Office of Policy Development and Research. (n.d.). *Assisted housing: National and local*. HUD USER. <https://www.huduser.gov/portal/datasets/assthsq.html>, United States Census Bureau. (n.d.). U.S. Census Bureau quickfacts: Maryland. <https://www.census.gov/quickfacts/fact/table/MD/PST045224>.

<sup>3</sup> Bonk, V. (2020, September 9). *Survey shows Maryland’s poverty rates - and the racial gap beneath them*. WTOP News. <https://wtop.com/maryland/2020/09/survey-shows-marylands-poverty-rates-and-the-racial-gap-beneath-them/>.