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July 15, 2025

Commissioner Alice Kennedy  
James Turner  
Department of Housing and Community Development  
417 East Fayette Street, 14th Floor  
Baltimore, MD 21202.

*Submitted via email to [InclusionaryHousing@baltimorecity.gov](mailto:InclusionaryHousing@baltimorecity.gov);  
[Alice.Kennedy@baltimorecity.gov](mailto:Alice.Kennedy@baltimorecity.gov)*

**Re: Baltimore Regional Housing Partnership Comments on Notice of Proposed  
Action Chapter 01 Inclusionary Housing under COBRA 07.02**

Dear Commissioner Kennedy and Mr. Turner:

Thank you for the opportunity to provide comments on the draft Inclusionary Housing regulations published in the June 2025 COBRA Register on behalf of the Baltimore Regional Housing Partnership (BRHP). BRHP is a non-profit organization that expands housing choices for low-income families who have historically been excluded from housing in well-resourced neighborhoods by helping them access and transition successfully to safe, healthy, and economically vibrant communities. As the Regional Administrator for the Baltimore Housing Mobility Program, BRHP has been opening pathways to better futures for low-income families for over 10 years. BRHP currently provides over 4,300 low-income families rental assistance in the form of Housing Choice Vouchers coupled with counseling support for families as they move from areas of concentrated poverty to areas of opportunity in Baltimore City and the five surrounding counties.

We commend the City for the time and effort put into drafting regulations to implement Baltimore's revised Inclusionary Housing (IH) law. While we recognize and appreciate certain improvements—particularly the effort to define key terms and processes—we join with the Inclusionary Housing Coalition in the remaining concerns outlined in their comments and emphasize the following issues that threaten to undermine the IH law's goal of ensuring access to new housing opportunities for historically excluded City residents.

## **1. Affirmative Marketing Plan Requirements**

While ensuring non-discrimination in tenant selection is critical, an affirmative fair housing marketing plan (AFHMP) should center on proactive strategies to reach those least likely to apply to actively dismantle structural barriers to accessing housing. This omission is not only inconsistent with HUD and LIHTC best practices, but it risks excluding the very residents this law is designed to serve—predominantly Black, low-income Baltimoreans.

We recommend strengthening this section by:

- Aligning AFHMP with current HUD AFHMP guidance used in other affordable housing programs. If HUD guidance is withdrawn by the Trump Administration, the City should develop guidance and tools similar to HUD's current guidance.
- Requiring the evaluation of the surrounding housing market area to determine those least likely to apply without special outreach efforts and outlining specific proposed advertising and outreach methods. Given the population that the IH units are designed to serve, this should also include required outreach to outlets and outreach organizations serving residents with low incomes like [affordablehousing.com](http://affordablehousing.com).
- Requiring recordkeeping, reporting and periodic evaluation of outreach efforts, applicant and renter demographics to ensure compliance and evaluate the law's effectiveness.
- Providing training requirements for developers and property managers on implementing fair housing marketing effectively.

Without these elements, the plan serves solely as a tenant selection policy rather than a meaningful tool to advance fair housing goals.

## 2. Tenant Selection Plan Provisions Fail to Reduce Barriers

We appreciate the included prohibition on developers from adopting income and minimum credit score requirements for applicants who rely on rental assistance – a critical protection that will enable more families to access the benefits of IH units. That said, several additional provisions unfortunately undermine the law’s goals to affirmatively including residents who have been traditionally excluded from affordable housing in “high opportunity” neighborhoods:

- **Student eligibility:** The regulations should prohibit full-time student occupancy unless the student is a dependent of a low-income household, a custodial caregiver, or a recipient of income-based housing assistance. Without this, developers may prioritize students over eligible low-income families, especially in “white L” neighborhoods attractive to white students.
- **Subletting:** Inclusionary units are intended for eligible families and individuals who go through an equitable application and waiting list process that complies with fair housing. Subleasing could open a loophole to evade this process as well as open the door to fraudulent practices and income misrepresentation and illegal boarding arrangements. We recommend prohibiting subleasing in IH Units.
- **Eviction history:** The seven-year lookback period is too long and does not accurately reflect a potential tenant’s current life situation. We recommend DHCD prohibit developers from considering any eviction record except for an eviction judgment that is less than 12 months old.
- **Criminal history:** The current regulations are vague on the allowable use of criminal records to assess applications. We recommend DHCD adopt a policy similar to New Jersey’s, where records are only disqualifying under specific, limited circumstances and require conditional offers.
- **Waitlist procedures:** The language requiring the developer to review applications in a first-come, first-served basis disadvantages residents least likely to apply. We recommend utilization of a lottery system to more equitably select tenants.

### **3. The 15% Cap on Inclusionary Units Undermines the Value of Additional Subsidy**

Regulation .05(C) establishes a firm 15% ceiling on the total number of inclusionary units a developer must provide, even when additional subsidy is offered. This cap may discourage the very outcome the City should be encouraging – deeper affordability in projects receiving greater public investment. To maximize the return on public dollars, promote economic integration and respond to the growing demand for deeply affordable housing, the regulations should ensure that additional investment of public subsidy is met with additional inclusionary units.

We recommend strengthening this section by:

- Mandating acceptance of additional subsidy when offered and requiring associated increases in affordable unit production.
- Removing §.05(c) and (e), which establish a 15% cap on inclusionary units, in direct conflict with legislative intent.

### **Conclusion**

Baltimore's inclusionary housing program has the potential to prevent displacement of longtime residents as areas get more investment and gentrify while creating real opportunity for families who have historically been locked out of high-opportunity areas, and the additional clarifications in the proposed regulations make improvements toward creating those outcomes. However, the final regulations must avoid language and loopholes that dilute the purpose of the Inclusionary Housing law. Strengthening the affirmative marketing requirements, tightening tenant eligibility rules, and lifting unnecessary caps on affordability are important final updates needed to fully realize that promise.

Thank you for your consideration.

Sincerely,

Adria Crutchfield  
Executive Director