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February 3, 2026

Judicial Proceedings Committee
Maryland Senate
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Baltimore Regional Housing Partnership SUPPORT for SB 274 – Fair Housing and Housing Discrimination – Regulations, Intent, and Discriminatory Effect

Dear Chair Smith, Vice Chair Waldstreicher and Honorable Members of the Committee:

On behalf of the Baltimore Regional Housing Partnership (BRHP), thank you for the opportunity to testify in strong support of SB 274, legislation that helps ensure Maryland families have access to safe, affordable and accessible housing in thriving neighborhoods.

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 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.

Our organization is a testament to the need for communities in Maryland to conduct data-driven analyses of discrimination and segregation in their jurisdictions. Our work in housing mobility began as a result of the landmark housing desegregation lawsuit *Thompson v. HUD*. In this 1995 lawsuit, the court ruled that HUD had violated fair housing law by failing to consider the history and presence of racial housing segregation in the city, reverse that segregation, and mitigate the harm caused by it.

Since *Thompson*, the Baltimore Housing Mobility Program has assisted over 6,000 families in their move from racially segregated areas of concentrated poverty to areas of opportunity where these families enjoy increased access to quality schools, job opportunities, and safety.

As the research¹ and our own experience documents, where a person lives often determines the opportunities they have, from where they go to school to the safety of their streets. Still, decades after the passage of the federal Fair Housing Act, too many people struggle to get housing in the neighborhoods of their choice because they pay with a voucher, have children, live with a disability, or face other barriers.

SB 274 helps address this issue by updating Maryland law in two essential ways:

1. **Mandating Affirmatively Furthering Fair Housing (AFFH).** The bill requires public agencies and jurisdictions to go beyond simply prohibiting discrimination to take proactive, meaningful steps to combat discrimination, overcome patterns of segregation, and create inclusive communities by dismantling barriers that prevent people from living in neighborhoods of their choice. This duty involves assessing local barriers, engaging communities, and choosing practical, locally tailored solutions to barriers that keep people locked out of opportunity.
2. **Codifying disparate impact liability.** The bill codifies that facially neutral policies that disproportionately harm protected groups and lack a legitimate justification or less discriminatory alternative violate Maryland's fair housing protections.

Clarity and continuity in protections

These updates are timely and necessary. Recent federal rollbacks of regulation and enforcement from the Trump administration have systematically weakened federal fair housing protections. President Trump signed an Executive Order in April 2025, that directed all federal agencies to eliminate disparate impact protections, and in

¹ Chetty, Raj, Nathaniel Hendren, and Lawrence Katz. 2016. "The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Project". *American Economic Review* 106 (4). <https://hendren.scholars.harvard.edu/publications/effects-exposure-better-neighborhoods-children-new-evidence-moving-opportunity>

January 2026, HUD proposed rescinding its long-standing regulations governing disparate impact liability under the federal Fair Housing Act. While these actions don't change the federal Fair Housing Act, this rollback will make it more likely that the people of Maryland face unlawful discrimination and make it harder for them to challenge discriminatory policies. SB 274 ensures a clear state standard remains in place, and Maryland residents do not lose longstanding protections because of national policy shifts.

Further, Maryland's courts have already recognized disparate impact claims under the Maryland Fair Housing Act, most recently in *Hare v. David S. Brown Enterprises, Ltd.* SB 274 would codify that precedent, providing a stable, statutory framework for agencies, courts, and housing providers to follow. With federal enforcement in flux, codification ensures Marylanders retain a clear path to challenge discriminatory barriers.

Ongoing need for AFFH and disparate impact liability

AFFH and disparate impact liability are critical to advancing housing justice and addressing the racialized housing and land exclusion policies, institutions, and value systems that have restricted and denied equal opportunities to Black and Brown families, particularly those with low-incomes, and other marginalized groups. America remains residentially segregated, with access to quality schools, clean environments, and community resources distributed unequally according to race.² Although illegal now, the remnants of redlining, segregation, blockbusting, racial steering practices, and many more vestiges of the past are still deeply felt in communities today. These discriminatory practices continue to deprive Black and Brown communities access to safe and stable housing, full-service grocery stores, public transportation, parks and greenspaces, top-tier schools, employment opportunities, and much more, and ultimately contribute to the ever-widening equity gap.

² Justin Steil & Nicholas Kelly, *The Fairest of Them All: Analyzing Affirmatively Furthering Fair Housing Compliance*, 29 HOUS. POL'Y DEBATE 1, 85-105 (2018), <https://dspace.mit.edu/bitstream/handle/1721.1/126827/Steil%20Kelly%20Fairest%20of%20them%20All%202018%2005%2008.pdf?sequence=2&isAllowed=y>; Heather R. Abraham, *Segregation Autopilot: How the Government Perpetuates Segregation and How to Stop It*, 107 IOWA L. REV. 1963, 1969 (2022), [https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2022-11/Segregation Autopilot How the Government Perpetuates Segregation and How to Stop It.pdf](https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2022-11/Segregation%20Autopilot%20How%20the%20Government%20Perpetuates%20Segregation%20and%20How%20to%20Stop%20It.pdf).

Housing providers, financial institutions, and municipalities should ensure every Marylander has a fair shot to obtain safe, secure, and affordable housing in a thriving community free from discrimination. By codifying disparate impact protections and the AFFH duty, Maryland will ensure that families have fair access to housing, and that communities continue moving toward inclusion.

For these reasons, BRHP respectfully urges a **Favorable** report on SB 274.

Sincerely,

Adria Crutchfield

Executive Director

Baltimore Regional Housing Partnership