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**STATEMENT IN SUPPORT OF HOUSE BILL 1261
HOUSING – DISCRIMINATION BASED ON SOURCE OF INCOME -
PROHIBITIONS**

**Presented Friday, March 14, 2008 to the
House Environmental Matters Committee**

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The Maryland Catholic Conference represents the public policy interests of the Roman Catholic bishops serving Maryland's three (arch)dioceses. The Conference testifies today in support of House Bill 1261, which would prohibit landlords from discriminating against potential tenants based on the source of their income.

In their 1973 pastoral statement, *The Right to a Decent Home*, the Catholic Bishops of the United States argued that decent housing is a fundamental right. They wrote, "The protection of the human dignity of every person and the right to a decent home require both individual action and structural policies and practices." The bishops followed with, "Our concern is not simply for houses or programs but for the people who inhabit these dwellings or are affected by these programs... The statistics we cite are not simply numbers or points on a graph; they are individual human tragedies."

According to the attached *Maryland Rental Housing Affordability Index*, issued in 2003 by the Department of Housing and Community Development (DHCD), 37% of Maryland households could not afford a two-bedroom rental unit. The situation was best in Howard and Worcester Counties, at 21%, and worst in Baltimore City, at 57%. As the Bishops point out, these 37% of Maryland households are more than a figure in a table. They are real families experiencing the tragedies of homelessness or inadequate housing. The households are made up of parents and children, brothers and sisters, aunts, uncles, nieces, nephews. Each is affected by their family's difficulty in affording an adequate place to live. Adults worry about how to pay utility, clothing, and food bills when the great majority of their income goes toward rent. When they can't pay their rent, they strategize on moving between hotels, friends' sofas, and shelters. Children suffer from exposure to unsafe and unstable living conditions.

The Church holds that one of government's primary responsibilities is to ensure that the most basic needs of its people are met. In the United States, our federal government does this, in part, through the Section 8 Rental Voucher Program. Maryland serves the housing needs of its lowest-income residents through the State's Rental Allowance Program (RAP). However, though a family may be successful in accessing assistance through Section 8, or RAP, or some other program, in most parts of Maryland, they face yet another hurdle in their search for housing. With the exception of Frederick, Howard, and Montgomery Counties, where the practice is prohibited by law, Marylanders receiving housing assistance are often discriminated against in their search for housing.

It is common to see newspaper or internet ads that contain the words, "No Section 8." It is more common for low-income Marylanders to hear this refrain when they inquire into available housing. Such discrimination is also faced by people who base their income, in part or in total, on disability assistance, cash assistance, child support, or alimony. To anyone who encounters it, the discrimination is frustrating and demoralizing.

Individuals and families having the lawful means to rent or buy housing should not be denied that housing based on where those means come from. Those with the income, credit-worthiness, and other applicable credentials to rent or buy – the single mom depending on child-support payments, the low-income family depending on a Section 8 voucher, the man depending on disability assistance, the elderly couple depending on a pension – none should be denied the opportunity to rent or buy because their incomes don't come entirely from a job.

Recognizing housing as a fundamental human right, and also the severe hardships – including discrimination – low-income Marylanders face in finding housing they can afford, we respectfully ask that you give HB 1261 a favorable report. Thank you for your consideration.

HOUSE BILL 1261
HOUSING – DISCRIMINATION BASED ON
SOURCE OF INCOME – PROHIBITIONS

Sponsor: Delegate Tom Hucker
Hearing: 1:00 pm on Friday, March 14 in the
House Environmental Matters Committee

What does HB 1261 do?

HB 1261 prohibits “source of income” discrimination against those seeking housing. That is, the bill prohibits landlords/sellers from discriminating against potential renters/buyers based on the source of their income.

What does “source of income” mean?

“Source of income” means any lawful source of money to be used in the rental or purchase of housing. It includes money from: (1) any lawful profession or occupation; (2) any government or private assistance, grant, loan, or rental assistance program, including Section 8 vouchers; (3) any gift, inheritance, pension, annuity, alimony, child support, or other consideration; (4) and any sale of property.

What does HB 1261 NOT do?

HB 1261 does NOT prohibit a landlord/seller from determining the ability of a potential renter/buyer to pay a rent/purchase price, by: (1) verifying the source and amount of income of the renter/buyer; and (2) evaluating the stability, security, and credit-worthiness of the renter/buyer or their source of income.

HB 1261 does NOT prevent a landlord/seller from refusing to consider income derived from any criminal activity.

HB 1261 does NOT apply to landlords owning four or fewer rental units in the State.

HB 1261 does NOT apply to “assisted rental housing developments” – that is, a development of four or more contiguous rental units in which 20% or more of the units are for low-income households under a federal, state, or local government housing assistance program.

Who would benefit from the passage of HB 1261?

Individuals and families planning to rent/buy housing, in part or in full, with income from Section 8 vouchers, Rental Allowance Program subsidies, disability payments, Temporary Cash Assistance grants, pensions, alimony, child support, and other lawful sources of income.

Why should HB 1261 be passed?

Individuals and families having the lawful means to rent/buy housing should not be denied that housing, based on where those means come from. Those with the income, credit-worthiness,

and other applicable credentials to rent/buy – the single mom depending on child-support payments, the low-income family depending on a Section 8 voucher, the man depending on disability payments, the elderly couple depending on a pension – none should be denied the opportunity to rent/buy because their incomes don't come entirely from a job.

Does source of income discrimination happen?

Yes. It is common for landlords to refuse to consider applicants who will use a Section 8 voucher as part of their rental payment. This makes it difficult for Section 8 recipients – who may have spent years on waiting lists before receiving the vouchers – to find places where they can be used. It may also have the effect of clustering voucher users in the poorest sections of a community, where landlords receive few rental applicants.

Is source of income discrimination already prohibited in other places?

Yes. In Maryland, Howard and Montgomery Counties have laws prohibiting source of income discrimination, as does the city of Frederick. Nationwide, twelve states (CA, CT, ME, MA, MN, NJ, ND, OK, OR, UT, VT, WI) and the District of Columbia have housing laws that prohibit source of income discrimination. Several cities and counties – including, as of last month, New York City – also have such laws.