

IN THE SUPREME COURT OF MARYLAND

---

SCM-REG-0032-2024  
September Term, 2024

---

KATRINA HARE,

*Petitioner,*

v.

DAVID S. BROWN ENTERPRISES, LTD.,

*Respondent.*

---

**BRIEF OF AMICI CURIAE PUBLIC JUSTICE CENTER, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, NATIONAL HOUSING LAW PROJECT, EQUAL RIGHTS CENTER, NATIONAL FAIR HOUSING ALLIANCE, HOMELESS PERSONS REPRESENTATION PROJECT, INC., FAIR HOUSING JUSTICE CENTER, DISABILITY RIGHTS MARYLAND, POVERTY & RACE RESEARCH ACTION COUNSEL, BALTIMORE REGIONAL HOUSING PARTNERSHIP, MARYLAND LEGAL AID, AND HOUSING WORKS, IN SUPPORT OF PETITIONER KATRINA HARE**

Rebecca A. Ojserkis (AIS 2108090004)  
Brian Corman\*  
Dana Busgang\*  
Alisa Tiwari\*  
Phoebe M. Wolfe\*  
COHEN MILSTEIN SELLERS  
& TOLL PLLC  
1100 New York Avenue, Suite 800  
Washington, D.C. 20005  
Telephone: (202) 408-4600  
Facsimile: (202) 408-4699  
rojserkis@cohenmilstein.com  
bcorman@cohenmilstein.com  
dbusgang@cohenmilstein.com  
atiwari@cohenmilstein.com  
pwolfe@cohenmilstein.com

Albert Turner (AIS 1412180240)  
C. Matthew Hill (AIS 0712110352)  
PUBLIC JUSTICE CENTER  
201 N. Charles Street, Suite 1200  
Baltimore, MD 21201  
Telephone: (410) 625-9409  
Facsimile: (410) 625-9423  
turnera@publicjustice.org  
hillm@publicjustice.org

Counsel for *Amici Curiae*

\*Application for special admission pending

## TABLE OF CONTENTS

INTRODUCTION .....	1
ARGUMENT .....	2
I. <u>The Housing Choice Voucher Program Expands Fair Housing Choice for Low-Income Residents</u> .....	2
A.    Housing Vouchers Protect Landlords from Financial Risk. ....	3
B.    Housing Vouchers Provide Stable Housing for Low-Income Residents and Combat Economic and Racial Segregation.....	6
II. <u>The HOME Act Expands Access to Housing for Maryland Voucher Holders by Prohibiting Discrimination Based on Source of Income</u> .....	8
A.    Source-of-Income Discrimination Harms Voucher Holders by Restricting Housing Opportunity. ....	8
B.    The HOME Act Is a Remedial Statute Intended to Expand Housing Access for Maryland Voucher Holders.....	12
C.    The HOME Act Must Be Rigorously Enforced to Effectuate Its Remedial Purpose and Root Out Subtle Forms of Discrimination.....	13
III. <u>Respondent’s Minimum-Income Policy Discriminates Against Voucher Holders Based on Source of Income in Violation of the HOME Act</u> .....	15
A.    The Minimum-Income Policy Treats Applicants with Vouchers Worse than Other Applicants. ....	16
B.    The Minimum-Income Policy Disproportionately Impacts Voucher Holders. ....	18
C.    There Is No Business Justification for Respondent’s Application of the Minimum-Income Policy to Voucher Holders.....	19
D.    The Minimum-Income Policy Is Incompatible with the Remedial Purpose of the HOME Act. ....	20
E.    Every Jurisdiction to Address the Issue Has Concluded that Income Requirements for Voucher Holders Tied to the Full Rental Price Are Inconsistent with Source-of-Income Laws. ....	22

CONCLUSION ..... 25  
CERTIFICATE OF SERVICE ..... 27  
CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112 .... 28  
APPENDIX ..... i

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Coburn v. Coburn</i> , 342 Md. 244 (1996).....	21
<i>Comm’n on Hum. Rts. &amp; Opportunities v. Sullivan</i> , 285 Conn. 208 (2008).....	24
<i>Comm’n on Hum. Rts. &amp; Opportunities v. Sullivan Assocs.</i> , 250 Conn. 763 (1999).....	22
<i>Fair Hous. Just. Ctr., Inc. v. Pelican Mgmt., Inc.</i> , No. 18CV1564EROTW, 2023 WL 6390159 (S.D.N.Y. Sept. 29, 2023) .....	16, 19
<i>Fair Hous. Just. Ctr., Inc. v. Pelican Mgmt., Inc.</i> , No. 23-7348-CV, 2025 WL 251723 (2d Cir. Jan. 21, 2025) .....	24
<i>Hare v. David S. Brown Enterprises, Ltd.</i> , SCM-PET-0250-2024 (Md. Sup. Ct. Sept. 5, 2024).....	15
<i>Moran v. Tower Mgmt. Servs., L.P.</i> , No. HB52WR-61415.....	25
<i>Olivierre v. Parkchester Pres. Co.</i> , No. 452058, 2022 N.Y. Misc. LEXIS 8789 (N.Y. Sup. Ct. July 28, 2022) .....	21
<i>Olmstead v. L. C. ex rel. Zimring</i> , 527 U. S. 581 (1999).....	7
<i>T.K. v. Landmark W.</i> , 353 N.J. Super. 353 (Law. Div. 2001), <i>aff’d</i> , 353 N.J. Super. 223 (App. Div. 2002).....	18
<i>Westminster Mgmt., LLC v. Smith</i> , 486 Md. 616 (2024).....	20, 21
<b>Statutes</b>	
26 U.S.C. § 42 .....	6
42 U.S.C. § 1437a.....	3, 4

42 U.S.C. § 1437f.....	4
42 U.S.C. § 1437n .....	3
42 U.S.C. § 5301 .....	6
42 U.S.C. § 12101 .....	7
Cal. Gov. Code § 12995 .....	23
City of Tampa, Fla., Code ch. 12, art VII, § 12–143 .....	23
Columbus, Ohio Code § 4551.03(b) .....	23
Frederick, Md., Code Ann. app. F, § 3.....	23
Lansing, Mich. Code § 296.04.....	23
Md. Code. Ann., State Gov’t § 20-704.....	20, 23
Md. Code Ann., State Gov’t § 20-705.....	12
R.I. Gen. Laws § 34–37–4(c).....	23
Wash. Rev. Code § 59.18.225(h)(3).....	23

**Regulations**

24 C.F.R. § 5.628 .....	4
24 C.F.R. § 982.505.....	4
24 C.F.R. § 982.514.....	4
24 C.F.R. § 982.516.....	4
24 C.F.R. § 983.302.....	5

**Other Authorities**

Aastha Uprety, <i>Impossible Minimum Income Requirements Prevent Voucher Holders from Finding Housing</i> , Equal Rts. Ctr. (July 18, 2019), <a href="https://equalrightscenter.org/income-requirements-voucher-discrimination">https://equalrightscenter.org/income-requirements-voucher-discrimination</a> .....	14
--	----

Alison Bell et al., <i>Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results</i> , Ctr. on Budget & Pol’y Priorities (Dec. 20, 2018), <a href="https://www.cbpp.org/sites/default/files/atoms/files/10-10-18housing.pdf">https://www.cbpp.org/sites/default/files/atoms/files/10-10-18housing.pdf</a> .....	5, 9
Armen H. Merjian, <i>Second-Generation Source of Income Housing Discrimination</i> , 5 Utah L. Rev. 963 (2023) .....	14
<i>Assisted Housing: National and Local</i> , U.S. Dep’t of Hous. & Urb. Dev., Off. of Pol’y Dev. and Rsch., <a href="https://www.huduser.gov/portal/datasets/assthsg.html">https://www.huduser.gov/portal/datasets/assthsg.html</a> (last visited Mar. 4, 2025) .....	3
<i>Baltimore County Housing Choice Voucher Administrative Plan</i> , Balt. Cnty (July 1, 2021), <a href="https://www.baltimorecountymd.gov/files/departments/housing-and-community-development/documents/administrativeplan2021.pdf">https://www.baltimorecountymd.gov/files/departments/housing-and-community-development/documents/administrativeplan2021.pdf</a> .....	9, 10
<i>Baltimore County Office of Housing (BCOH) Online Waiting List Pre-Application</i> , Balt. Cnty. Off. of Hous., <a href="https://baltimorecounty.myhousing.com/?abandon=">https://baltimorecounty.myhousing.com/?abandon=</a> .....	10
Barbara Sard et al., <i>Federal Policy Changes Can Help More Families with Housing Vouchers Live in Higher-Opportunity Areas</i> , Ctr. on Budget & Pol’y Priorities (Sept. 4, 2018), <a href="https://www.cbpp.org/sites/default/files/atoms/files/9-4-18housing.pdf">https://www.cbpp.org/sites/default/files/atoms/files/9-4-18housing.pdf</a> .....	7, 11, 12
Ctr. on Budget & Pol’y Priorities, <i>The Housing Choice Voucher Program</i> (Sept. 30, 2024), <a href="https://www.cbpp.org/sites/default/files/atoms/files/PolicyBasics-housing-1-25-13vouch.pdf">https://www.cbpp.org/sites/default/files/atoms/files/PolicyBasics-housing-1-25-13vouch.pdf</a> .....	2, 7
Cal. Civil Rts. Dep’t, <i>Source of Income Fact Sheet</i> (Nov. 2022), <a href="https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/11/Source-of-Income-Fact-Sheet_ENG.pdf">https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/11/Source-of-Income-Fact-Sheet_ENG.pdf</a> .....	24
Cook Cnty. Dep’t of Hum. Rts. & Ethics, <i>Memo on Source of Income Protections Under Cook County Human Rights Ordinance</i> (Feb. 3, 2022), <a href="https://www.cookcountyil.gov/sites/g/files/ywwepo161/files/documents/2022-02/SourceofIncomeProtections_UpdatedMemo2022.pdf">https://www.cookcountyil.gov/sites/g/files/ywwepo161/files/documents/2022-02/SourceofIncomeProtections_UpdatedMemo2022.pdf</a> .....	24

Coty Montag et al., <i>The Bad Housing Blues</i> , Legal Def. Fund & Nat’l Fair Hous. All. (2022), <a href="https://www.naacpldf.org/wp-content/uploads/2022-11-14-Fair-Housing-2-web-1.pdf">https://www.naacpldf.org/wp-content/uploads/2022-11-14-Fair-Housing-2-web-1.pdf</a> .....	13, 14, 19
D.C. Off. of Hum. Rts., “ <i>Source of Income</i> ” <i>Discrimination in Housing: OHR Guidance No. 16-01</i> (Sept. 29, 2016), <a href="https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHRGuidance16-01_SourceofIncome_FINAL.pdf">https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHRGuidance16-01_SourceofIncome_FINAL.pdf</a> .....	24
<i>Fair Market Rents</i> , U.S. Dep’t of Hous. & Urb. Dev., Off. of Pol’y Dev. & Rsch., <a href="https://www.huduser.gov/portal/datasets/fmr.html">https://www.huduser.gov/portal/datasets/fmr.html</a> .....	4
Forrest Hangen & Daniel T. O’Brien, <i>The Choice to Discriminate: How Source of Income Discrimination Constrains Opportunity for Housing Choice Voucher Holders</i> , 59 Urb. Aff. Rev. 1601 (2023). ....	9, 14
<i>HOME Act: Hearing on S.B. 530 Before the S. Jud. Proc. Comm.</i> , 2020 Leg., 442nd Sess. (Md. 2020).....	10, 11, 13
J. Rosie Tighe et al., <i>Source of Income Discrimination and Fair Housing Policy</i> , 32 J. Plan. Literature 3 (2017), <a href="https://www.nhlp.org/wp-content/uploads/Source-of-Income-Discrimination-and-Fair-Housing-Policy-by-Tighe-and.pdf">https://www.nhlp.org/wp-content/uploads/Source-of-Income-Discrimination-and-Fair-Housing-Policy-by-Tighe-and.pdf</a> .....	9
Jessica Walter et al., <i>Final Report, Fair Housing Testing Project for the Chicago Commission on Human Relations</i> , Pol’y Rsch. Collaborative, Roosevelt Univ. (2020), <a href="https://www.chicago.gov/content/dam/city/depts/cchr/supp_info/fair-housing/CCHR2020FairHousingTestingReport_Final.pdf">https://www.chicago.gov/content/dam/city/depts/cchr/supp_info/fair-housing/CCHR2020FairHousingTestingReport_Final.pdf</a> .....	9
Jung Hyun Choi & Laurie Goodman, <i>Housing Vouchers Have Helped Tenants and Landlords Weather the Pandemic</i> , Urb. Inst. (Mar. 23, 2021), <a href="https://www.urban.org/urban-wire/housing-vouchers-have-helped-tenants-and-landlords-weather-pandemic">https://www.urban.org/urban-wire/housing-vouchers-have-helped-tenants-and-landlords-weather-pandemic</a> .....	5
Lance Freeman & Yining Lei, <i>An Overview of Affordable Housing in the United States</i> , Penn Inst. for Urb. Rsch. (Aug. 16, 2023), <a href="https://pennur.upenn.edu/publications/an-overview-of-affordable-housing-in-the-united-states">https://pennur.upenn.edu/publications/an-overview-of-affordable-housing-in-the-united-states</a> .....	6
Martha Galvez et al., <i>Protecting Housing Choice Voucher Holders from Discrimination: Lessons from Oregon and Texas</i> , Urb. Inst. (Oct. 2020), <a href="https://www.urban.org/sites/default/files/publication/103088/protecting-housing-choice-voucher-holders-from-discrimination.pdf">https://www.urban.org/sites/default/files/publication/103088/protecting-housing-choice-voucher-holders-from-discrimination.pdf</a> .....	6

Mary Cunningham et al., <i>A Pilot Study of Landlord Acceptance of Housing Choice Vouchers</i> , U.S. Dep’t of Hous. & Urb. Dev., Off. Of Pol’y Dev. & Rsch (Sept. 2018), <a href="https://www.huduser.gov/portal/portal/sites/default/files/pdf/Landlord-Acceptance-of-Housing-Choice-Vouchers.pdf">https://www.huduser.gov/portal/portal/sites/default/files/pdf/Landlord-Acceptance-of-Housing-Choice-Vouchers.pdf</a> .....	9, 13, 14
Molly W. Metzger, <i>The Reconcentration of Poverty: Patterns of Housing Voucher Use, 2000-2008</i> , 24 Hous. Pol’y Debate 544 (2014), <a href="https://ideas.repec.org/a/taf/houspd/v24y2014i3p544-567.html">https://ideas.repec.org/a/taf/houspd/v24y2014i3p544-567.html</a> .....	11
Nat’l Low Income Hous. Coal., <i>Out of Reach: The High Cost of Housing</i> (2024), <a href="https://nlihc.org/sites/default/files/2024_OOR_1.pdf">https://nlihc.org/sites/default/files/2024_OOR_1.pdf</a> .....	3, 4
N.Y.C. Comm’n on Hum. Rts., <i>Best Practices for Housing Providers to Avoid Source of Income Discrimination</i> (Jan. 2021), <a href="https://www.nyc.gov/assets/cchr/downloads/pdf/materials/FairHouse_FAQLandlord-2020Eng.pdf">https://www.nyc.gov/assets/cchr/downloads/pdf/materials/FairHouse_FAQLandlord-2020Eng.pdf</a> .....	24
Poverty & Race Rsch. Action Council, <i>Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination</i> (Jan. 2025), <a href="http://www.prrac.org/pdf/AppendixB.pdf">http://www.prrac.org/pdf/AppendixB.pdf</a> .....	12, 23
Raj Chetty et al., <i>The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment</i> , 106 Am. Econ. Rev. 855 (2016). .....	7, 11
Robin E. Smith et al., <i>What Happens to Housing Assistance Leavers?</i> , U.S. Dep’t of Hous. & Urb. Dev., Off. of Pol’y Dev. & Rsch. (June 2014), <a href="https://www.urban.org/sites/default/files/publication/32666/413163-What-Happens-to-Housing-Assistance-Leavers-.PDF">https://www.urban.org/sites/default/files/publication/32666/413163-What-Happens-to-Housing-Assistance-Leavers-.PDF</a> .....	10
S.B. No. 530, Ch. 117, 441st Sess. (Md. 2020) .....	13
Seattle Off. for Civ. Rts., <i>FAQ: Alternative Source of Income, Subsidies, and Preferred Employer Programs</i> , <a href="https://www.seattle.gov/civilrights/housing-rights/source-of-income-protections/faq-alternative-source-of-income-subsidies-and-preferred-employer-programs">https://www.seattle.gov/civilrights/housing-rights/source-of-income-protections/faq-alternative-source-of-income-subsidies-and-preferred-employer-programs</a> (last visited Mar. 6, 2025) .....	24
Sonya Acosta & Brianna Guerrero, <i>Long Waitlists for Housing Vouchers Show Pressing Unmet Need for Assistance</i> , Ctr. on Budget & Pol’y Priorities (Oct. 6, 2021), <a href="https://www.cbpp.org/research/housing/long-waitlists-for-housing-vouchers-show-pressing-unmet-need-for-assistance">https://www.cbpp.org/research/housing/long-waitlists-for-housing-vouchers-show-pressing-unmet-need-for-assistance</a> .....	5



Stefanie DeLuca & Jacqueline Groccia, *Increasing Residential Opportunity for Housing Choice Voucher Holders: The Importance of Supportive Staff for Families and Landlords*, 26 *Cityscape: J. Pol’y Dev. & Rsch.* 123 (2024),  
<https://www.huduser.gov/portal/periodicals/cityscape/vol26num2/ch6.pdf> ..... 10

Va. Real Estate Bd. & Fair Hous. Bd., *Guidance Document: Housing Discrimination on the Basis of Source of Funds* (Apr. 16, 2021),  
[https://townhall.virginia.gov/l/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C222%5CGDoc\\_DPOR\\_6978\\_v1.pdf](https://townhall.virginia.gov/l/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C222%5CGDoc_DPOR_6978_v1.pdf) ..... 23

Will Fischer, *Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children*, *Ctr. on Budget & Pol’y Priorities* (Oct. 7, 2015),  
<https://www.cbpp.org/research/research-shows-housing-vouchers-reduce-hardship-and-provide-platform-for-long-term-gains> ..... 7

## INTRODUCTION<sup>1</sup>

Congress designed the federal Housing Choice Voucher (“HCV”) program to expand access to safe, affordable housing and to break patterns of economic and racial segregation. It serves as a critical lifeline for millions of low-income tenants—many of whom are people of color, seniors, people with disabilities, and families with children. Maryland adopted the Housing Opportunities Made Equal (“HOME”) Act in 2020 to further the goals of the HCV program by prohibiting discrimination based on “source of income,” which includes Housing Choice Vouchers. However, landlords have begun imposing arbitrary and discriminatory barriers that undermine the effectiveness of the HCV program and violate the HOME Act. One such barrier is requiring voucher holders to meet minimum-income thresholds based on an apartment’s full rental amount—that is, the portion of the rent guaranteed by a government voucher as well as the portion of the rent for which the tenant is responsible.

*Amici Curiae* are organizations whose clients have and will continue to suffer serious and irreversible harm from the screening criteria at issue here.<sup>2</sup> The challenged practice, while cloaked in the appearance of neutrality, effectively allows landlords to circumvent the HOME Act’s prohibition on source-of-income discrimination. By requiring voucher holders to meet minimum-income thresholds based on the full rental amount, rather than the rental amount for which the tenant is actually responsible for personally

---

<sup>1</sup> This brief is filed with the written consent of all parties. Md. Rule 8-511(a)(1).

<sup>2</sup> *Amici*’s Statements of Interest are provided in the attached Appendix.

paying, Respondent treats voucher holders differently than applicants without vouchers. This practice also disproportionately excludes voucher holders from accessing housing—perpetuating the very segregation and economic immobility that the HCV program and HOME Act were designed to address.

The Circuit Court’s decision, if left undisturbed, would also embolden landlords to implement similar (or even more restrictive) minimum-income requirements to the detriment of voucher holders statewide. To avoid such an outcome, all other jurisdictions that have addressed this issue have consistently held that income requirements tethered to the full rental amount, rather than only the portion for which the voucher holder is directly responsible, violate similar source-of-income laws.

For these reasons, *Amici* urge the Court to hold that the income requirement to which Petitioner was subjected violates Maryland law.

## ARGUMENT

### I. **The Housing Choice Voucher Program Expands Fair Housing Choice for Low-Income Residents.**

The Housing Choice Voucher (“HCV”) program is the largest rental assistance program in the country, assisting more than two million households nationwide.<sup>3</sup> By subsidizing rent in privately owned units, the program enables eligible low-income families—most of whom earn below 30% of the area median income—to access housing they could not otherwise afford. The program ensures affordability by generally limiting a

---

<sup>3</sup> Ctr. on Budget & Pol’y Priorities, *The Housing Choice Voucher Program*, at 1 (Sept. 30, 2024), <https://www.cbpp.org/sites/default/files/atoms/files/PolicyBasics-housing-1-25-13vouch.pdf>.

tenant’s rent contribution to 30% of their income,<sup>4</sup> with the government covering the remainder—thus providing landlords with a guaranteed revenue stream.

A. Housing Vouchers Protect Landlords from Financial Risk.

By explicitly evaluating the tenant’s income and ability to pay in determining the tenant’s rental obligation, the voucher program provides an embedded assurance that the tenant has sufficient resources to cover their portion of the rent. 42 U.S.C. § 1437a(a)(6). Under the HCV program, local or state public housing agencies (“PHAs”) evaluate and verify an applicant’s income to determine whether the household is eligible for rental assistance. By law, at least 75% of housing choice vouchers must be allocated to “extremely low-income” households—meaning households that earn below 30% of the area median income. 42 U.S.C. §§ 1437a(b)(2)(C), 1437n (b)(1). The vast majority of the remaining vouchers are allocated to “very low-income households,” which are households at or below 50% of the area median income.<sup>5</sup>

If approved for a voucher, the PHA then determines the amount of rent that the household can reasonably afford. Generally, the full rental price of the unit must be at or

---

<sup>4</sup> 30% is the generally accepted affordability standard used in government and academia to gauge how much a household can afford to spend on rent. Households spending more than 30% of their income on rent are considered “housing cost-burdened.” Nat’l Low Income Hous. Coal., *Out of Reach: The High Cost of Housing*, at 11 (2024), [https://nlihc.org/sites/default/files/2024\\_OOR\\_1.pdf](https://nlihc.org/sites/default/files/2024_OOR_1.pdf).

<sup>5</sup> *Assisted Housing: National and Local*, U.S. Dep’t of Hous. & Urb. Dev., Off. of Pol’y Dev. and Rsch., <https://www.huduser.gov/portal/datasets/assthsg.html> (in Query Tool, select “2024 Based on 2020 Census,” “U.S. Total,” and “Housing Choice Vouchers”; then click “Get Results”) (last visited Mar. 4, 2025) (95% of voucher holders nationwide are either “very low income” or “extremely low income”).

below the “payment standard,” which the PHA bases on the “fair market rent” of the region. 42 U.S.C. §§ 1437f(o)(1)(B), (D); 24 C.F.R. § 982.505(c).<sup>6</sup> The voucher holder’s share of rent and utilities is typically limited to 30% of their monthly adjusted gross income, thus making the rent affordable to the voucher holder.<sup>7</sup> 42 U.S.C. § 1437a(a)(1); 24 C.F.R. § 5.628(a) (2024). PHAs directly pay the landlord the difference between the tenant’s share of the rent and the total rent due for the unit, utilizing funds allocated to the PHAs by the U.S. Department of Housing and Urban Development (“HUD”). 24 C.F.R. §§ 982.514, 982.505.

When a tenant uses a voucher, the landlord receives the bulk of the monthly payment *directly* from the housing authority, providing a higher guarantee of rent collection than from a tenant paying out-of-pocket, regardless of the tenant’s income level. Vouchers also insulate the landlord from the typical financial risk of a tenant losing income during the lease term. If a voucher holder reports losing income at any time through the voucher recertification process, the voucher holder’s share of the rent decreases to maintain the 30% contribution, and the PHA’s share of the rent increases to ensure the full monthly rent is paid. 24 C.F.R. § 982.516(c).

---

<sup>6</sup> The payment standard is typically set by the PHA at 90% to 110% of the “fair market rent,” which is calculated by HUD for each metropolitan area or zip code, depending on the region. *Fair Market Rents*, U.S. Dep’t of Hous. & Urb. Dev., Off. of Pol’y Dev. & Rsch., <https://www.huduser.gov/portal/datasets/fmr.html> (last visited Feb. 23, 2025). The PHA may allow for a higher payment standard as an accommodation to an individual’s disability or for certain geographic areas. 24 C.F.R. § 982.505(d).

<sup>7</sup> See Nat’l Low Income Hous. Coal., *supra* note 4.

In fact, many landlords recognize that vouchers are an inherently secure means of collecting rental payments, especially during economic downturns when those without vouchers are more likely to miss rental payments.<sup>8</sup> PHAs enter into contracts with landlords to guarantee voucher payments for a full-year lease term, which can be renewed annually. 24 C.F.R. § 983.302(e). After the first year, landlords may also request an annual rent increase from the PHA, which is subject to the same rent reasonableness analysis as the initial rental price. *Id.*

Moreover, contrary to some landlords' misperceptions, voucher holders "have strong incentives built into the program to be good tenants."<sup>9</sup> Many have waited years to receive a voucher and understand that it could be lost if they fail to pay rent on time, damage the unit, or otherwise fail to comply with lease obligations.<sup>10</sup> Indeed, due to funding limitations, only about 25% of households that are income-qualified for a voucher actually receive one and waitlists for the program run in the tens of thousands, with many waiting well over a decade before they receive a voucher.<sup>11</sup> Thus, voucher holders are

---

<sup>8</sup> See Jung Hyun Choi & Laurie Goodman, *Housing Vouchers Have Helped Tenants and Landlords Weather the Pandemic*, Urb. Inst. (Mar. 23, 2021), <https://www.urban.org/urban-wire/housing-vouchers-have-helped-tenants-and-landlords-weather-pandemic>.

<sup>9</sup> Alison Bell et al., *Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results*, Ctr. on Budget & Pol'y Priorities, at 13 (Dec. 20, 2018), <https://www.cbpp.org/sites/default/files/atoms/files/10-10-18hous.pdf>.

<sup>10</sup> *See id.*

<sup>11</sup> Sonya Acosta & Brianna Guerrero, *Long Waitlists for Housing Vouchers Show Pressing Unmet Need for Assistance*, Ctr. on Budget & Pol'y Priorities (Oct. 6, 2021), <https://www.cbpp.org/research/housing/long-waitlists-for-housing-vouchers-show->

generally less risky tenants, not only because the government guarantees a portion of the rent but also because they are incentivized to timely pay their own portion of the rent and otherwise abide by the lease terms.

B. Housing Vouchers Provide Stable Housing for Low-Income Residents and Combat Economic and Racial Segregation.

The HCV program was established to achieve the goals of: (1) providing stable and affordable housing for households with very low incomes, (2) reducing concentrated poverty, and (3) improving housing and neighborhood choice for low-income renters.<sup>12</sup> 42 U.S.C. § 5301. The program marked a shift in federal policy from a focus on developing government-owned housing projects to subsidizing the provision of privately owned housing to low-income households through vouchers and developer incentives, like Low-Income Housing Tax Credits, 26 U.S.C. § 42.<sup>13</sup> Congress favored the voucher program as a means, at least in theory, of undoing the racial and income segregation that housing projects had perpetuated. To address this problem, Congress sought to enable families to move into higher-opportunity neighborhoods with lower crime, higher-performing schools,

---

pressing-unmet-need-for-assistance.

<sup>12</sup> Martha Galvez et al., *Protecting Housing Choice Voucher Holders from Discrimination: Lessons from Oregon and Texas*, Urb. Inst. (Oct. 2020), <https://www.urban.org/sites/default/files/publication/103088/protecting-housing-choice-voucher-holders-from-discrimination.pdf>.

<sup>13</sup> See Lance Freeman & Yining Lei, *An Overview of Affordable Housing in the United States*, Penn Inst. for Urb. Rsch., at 3–4 (Aug. 16, 2023), <https://penniur.upenn.edu/publications/an-overview-of-affordable-housing-in-the-united-states>.

better access to transportation, basic goods and services, and proximity to a job, community supports, or support network.<sup>14</sup>

While more work needs to be done to fully realize the HCV program's goals, there is evidence that vouchers can have significant benefits for low-income families. Because a voucher is the difference between stable housing and homelessness for millions of low-income families, a voucher can be life changing for those lucky enough to obtain one. Vouchers have been shown to curb homelessness, provide families more choices about where to live, and create avenues to stable housing for disabled, elderly, and military veteran Americans.<sup>15</sup> These effects are closely linked to educational, developmental, and health benefits, which also reduce costs in other public programs.<sup>16</sup> For people with disabilities, a voucher can make the difference between living in the community versus in an institution or other facility, and is essential to realizing the goal of the integration mandate in the Americans with Disabilities Act, 42 U.S.C. § 12101.<sup>17</sup>

---

<sup>14</sup> Barbara Sard et al., *Federal Policy Changes Can Help More Families with Housing Vouchers Live in Higher-Opportunity Areas*, Ctr. on Budget & Pol'y Priorities, at 12 (Sept. 4, 2018), <https://www.cbpp.org/sites/default/files/atoms/files/9-4-18hous.pdf>.

<sup>15</sup> See Will Fischer, *Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children*, Ctr. on Budget & Pol'y Priorities (Oct. 7, 2015), <https://www.cbpp.org/research/research-shows-housing-vouchers-reduce-hardship-and-provide-platform-for-long-term-gains>; Raj Chetty et al., *The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment*, 106 Am. Econ. Rev. 855, 855–902 (2016).

<sup>16</sup> Ctr. on Budget & Pol'y Priorities, *supra* note 3, at 3.

<sup>17</sup> Title II of the Americans with Disabilities Act requires the State to provide services to people with disabilities in the most appropriate integrated setting. See *Olmstead v. L.C. ex rel. Zimring*, 527 U. S. 581 (1999).



Despite the life-changing benefits that vouchers can provide, the HCV program only works if there are landlords willing to accept tenants who use vouchers. This is why eradicating discrimination against voucher holders is a crucial part of ensuring the HCV program lives up to its goals.

## **II. The HOME Act Expands Access to Housing for Maryland Voucher Holders by Prohibiting Discrimination Based on Source of Income.**

When landlords refuse to accept vouchers, often because of misguided beliefs and stereotypes about voucher holders or the HCV program, Maryland’s most vulnerable citizens are locked out of housing opportunities. The General Assembly recognized this pervasive problem in passing the HOME Act in 2020, which prohibits discrimination in housing based on “source of income,” including housing vouchers. While the General Assembly was clear in its intent to increase housing opportunities for voucher holders, landlords have found ways to circumvent the HOME Act’s purpose through more subtle forms of exclusion. Thus, to fulfill the remedial goals of the statute and eradicate source-of-income discrimination, the HOME Act must be properly interpreted as not allowing landlords to require voucher holders to meet unreasonable minimum-income requirements.

### **A. Source-of-Income Discrimination Harms Voucher Holders by Restricting Housing Opportunity.**

Source-of-income discrimination harms HCV families by locking them out of higher-opportunity areas and perpetuating patterns of economic, disability, and racial segregation—thereby undermining the efficacy and remedial goals of the HCV program. In jurisdictions without source-of-income protections, landlords often outright refuse to

accept vouchers because of biased and inaccurate assumptions about voucher holders.<sup>18</sup> For instance, landlords who are hostile to voucher holders “may assume that these individuals are more likely to suffer future economic hardship,”<sup>19</sup> or that they are “prone to bringing crime or drugs to new neighborhoods or to not maintaining their housing,” despite evidence to the contrary.<sup>20</sup> And landlords may also use source-of-income discrimination as a proxy for other types of prohibited biases, such as those based on race, disability, or familial status.<sup>21</sup>

Source-of-income discrimination hinders voucher holders’ ability to find housing before their vouchers expire.<sup>22</sup> Baltimore County initially gives new voucher recipients 60 days to find a home.<sup>23</sup> If they are unable to find a home within that timeframe, they are at

---

<sup>18</sup> See Mary Cunningham et al., *A Pilot Study of Landlord Acceptance of Housing Choice Vouchers*, U.S. Dep’t of Hous. & Urb. Dev., Off. Of Pol’y Dev. & Rsch, at 12–13 (Sept. 2018), <https://www.huduser.gov/portal/portal/sites/default/files/pdf/Landlord-Acceptance-of-Housing-Choice-Vouchers.pdf> [hereinafter “HUD Pilot Study”].

<sup>19</sup> Jessica Walter et al., *Final Report, Fair Housing Testing Project for the Chicago Commission on Human Relations*, Pol’y Rsch. Collaborative, Roosevelt Univ. 7 (2020), [https://www.chicago.gov/content/dam/city/depts/cchr/supp\\_info/fair-housing/CCHR2020FairHousingTestingReport\\_Final.pdf](https://www.chicago.gov/content/dam/city/depts/cchr/supp_info/fair-housing/CCHR2020FairHousingTestingReport_Final.pdf).

<sup>20</sup> HUD Pilot Study, *supra* note 18, at 13; see also J. Rosie Tighe et al., *Source of Income Discrimination and Fair Housing Policy*, 32 J. Plan. Literature 3, 6 (2017), <https://www.nhlp.org/wp-content/uploads/Source-of-Income-Discrimination-and-Fair-Housing-Policy-by-Tighe-and.pdf>.

<sup>21</sup> See Tighe et al., *supra* note 20, at 6; Forrest Hangen & Daniel T. O’Brien, *The Choice to Discriminate: How Source of Income Discrimination Constrains Opportunity for Housing Choice Voucher Holders*, 59 Urb. Aff. Rev. 1601, 1619 (2023).

<sup>22</sup> See Bell et al., *supra* note 9, at 6.

<sup>23</sup> *Baltimore County Housing Choice Voucher Administrative Plan*, Balt. Cnty, at 29

risk of losing their voucher and being placed at the end of the waitlist<sup>24</sup>—assuming the waitlist is even open. In 2020, there were 25,000 families on the HCV waitlist in Baltimore County.<sup>25</sup> As of March 6, 2025, the waitlist was closed.<sup>26</sup> Because of these dynamics and the persistence of source-of-income discrimination, nationally, only 61% of voucher holders successfully utilize their vouchers to secure housing, with an even lower success rate in large cities and among Black and Latino households.<sup>27</sup>

The effect of losing a voucher is devastating—nearly 50% of tenants who lose a voucher experience homelessness, with the rest subject to “worrying levels of housing hardship and instability.”<sup>28</sup> With the very real possibility of losing their voucher, many

---

(July 1, 2021), <https://www.baltimorecountymd.gov/files/departments/housing-and-community-development/documents/administrativeplan2021.pdf>.

<sup>24</sup> *Id.*

<sup>25</sup> *HOME Act: Hearing on S.B. 530 Before the S. Jud. Proc. Comm.*, 2020 Leg., 442nd Sess. (Md. 2020) (oral testimony of John Olszewski, Jr., Cnty. Exec. of Balt. Cnty.), at 19:53, [https://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=jpr&ys=2020RS&clip=JPR\\_2\\_4\\_2020\\_meeting\\_1&billNumber=sb0530](https://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=jpr&ys=2020RS&clip=JPR_2_4_2020_meeting_1&billNumber=sb0530).

<sup>26</sup> *Baltimore County Office of Housing (BCOH) Online Waiting List Pre-Application*, Balt. Cnty. Off. of Hous., <https://baltimorecounty.myhousing.com/?abandon=> (last visited Mar. 6, 2025).

<sup>27</sup> Stefanie DeLuca & Jacqueline Groccia, *Increasing Residential Opportunity for Housing Choice Voucher Holders: The Importance of Supportive Staff for Families and Landlords*, 26 *Cityscape: J. Pol’y Dev. & Rsch.* 123, 124–25 (2024), <https://www.huduser.gov/portal/periodicals/cityscape/vol26num2/ch6.pdf>.

<sup>28</sup> Robin E. Smith et al., *What Happens to Housing Assistance Leavers?*, U.S. Dep’t of Hous. & Urb. Dev., Off. of Pol’y Dev. & Rsch., at 16 (June 2014), [https://www.huduser.gov/portal/oup/pdf/hsg\\_asst\\_leavers\\_rpt.pdf](https://www.huduser.gov/portal/oup/pdf/hsg_asst_leavers_rpt.pdf).

participants have no choice but to lease in high-poverty, segregated neighborhoods where landlords may be more open to accepting vouchers. This dynamic isolates families from their medical and services providers and support networks, forces children to change schools, and pushes families to accept units that are often in disinvested neighborhoods.<sup>29</sup> High-poverty communities also tend to have limited accessible housing, functional sidewalks, and curb cuts, making it especially difficult for people with disabilities to reside in such communities.<sup>30</sup> Due in part to landlord discrimination against HCV families, instead of remedying concentrated poverty and racial segregation as designed, the voucher program has exacerbated these issues in the 50 most populous U.S. metropolitan areas.<sup>31</sup>

Source-of-income discrimination harms children the most. Children whose families move from high-poverty to low-poverty neighborhoods are more likely to attend college and have higher future earnings compared with children in families who remain in low-poverty areas.<sup>32</sup> Low-poverty neighborhoods also have better support services and schools for children with disabilities. Unfortunately, most HCV families and their children are

---

<sup>29</sup> Sard et al., *supra* note 14, at 2–3.

<sup>30</sup> *HOME Act: Hearing on S.B. 530 Before the S. Jud. Proc. Comm.*, 2020 Leg., 442nd Sess. (Md. 2020) (written testimony of David Prater, Attorney for Disability Rights Maryland), [https://mgaleg.maryland.gov/cmte\\_testimony/2020/jpr/2365\\_02042020\\_11719-225.pdf](https://mgaleg.maryland.gov/cmte_testimony/2020/jpr/2365_02042020_11719-225.pdf).

<sup>31</sup> Molly W. Metzger, *The Reconcentration of Poverty: Patterns of Housing Voucher Use, 2000-2008*, 24 Hous. Pol’y Debate 544, 552 (2014), <https://ideas.repec.org/a/taf/houspd/v24y2014i3p544-567.html>.

<sup>32</sup> See Chetty et al., *supra* note 15, at 899.

locked out of these communities. HCV families are often unable to move to higher-opportunity neighborhoods, despite that being the goal of the HCV program, because landlords in those neighborhoods refuse to rent to voucher holders.<sup>33</sup> Thus, HCV families with children are relegated to neighborhoods with concentrated poverty.<sup>34</sup>

B. The HOME Act Is a Remedial Statute Intended to Expand Housing Access for Maryland Voucher Holders.

In response to discrimination against voucher holders and to better advance the remedial goals of voucher programs, many states and localities have passed laws that add “source of income” to the list of protected classes in their fair housing laws, thereby prohibiting discrimination against voucher holders. Twenty-four states have now passed such laws, and there is a total of approximately 150 statewide or local source-of-income antidiscrimination laws nationwide.<sup>35</sup>

Following this trend, the Maryland General Assembly passed the HOME Act, with the clear intent of making it illegal for a landlord to deny an HCV family’s application because of their voucher. Md. Code Ann., State Gov’t § 20-705(1). In passing the HOME Act, the General Assembly’s overarching goal was to expand housing opportunities for voucher holders and “to deconcentrate poverty by providing additional opportunities for

---

<sup>33</sup> Sard et al., *supra* note 14, at 2–3.

<sup>34</sup> *Id.* at 1.

<sup>35</sup> Poverty & Race Rsch. Action Council, *Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination*, at 2 (Jan. 2025), <http://www.prrac.org/pdf/AppendixB.pdf>.

tenants utilizing public subsidies to live in neighborhoods other than the neighborhoods in which those individuals are currently and disproportionately residing.” S.B. No. 530, Ch. 117, 441st Sess. (Md. 2020) (“[S]ecurity, mobility, and economic opportunity are enhanced by the location of a person’s home.”). The General Assembly recognized that even with vouchers, low-income tenants in Maryland were struggling to move into higher-income neighborhoods because landlords refused to rent to tenants seeking to use vouchers.<sup>36</sup>

C. The HOME Act Must Be Rigorously Enforced to Effectuate Its Remedial Purpose and Root Out Subtle Forms of Discrimination.

Numerous studies have found that discrimination against voucher holders persists even after source-of-income protections are enacted.<sup>37</sup> Some landlords have continued to

---

<sup>36</sup> See *HOME Act: Hearing on S.B. 530 Before the S. Jud. Proc. Comm.*, 2020 Leg., 442nd Sess. (Md. 2020) (oral testimony of William C. Smith, Jr., Chair, S. Jud. Proc. Comm.), at 10:07, 13:47, [https://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=jpr&ys=2020RS&clip=JPR\\_2\\_4\\_2020\\_meeting\\_1&billNumber=sb0530](https://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=jpr&ys=2020RS&clip=JPR_2_4_2020_meeting_1&billNumber=sb0530) (“There are tens of thousands of Marylanders that use the Section 8 voucher but can’t avail themselves because of this [current] law that we have in place.”); *HOME Act: Hearing on S.B. 530 Before the S. Jud. Proc. Comm.*, 2020 Leg., 442nd Sess. (Md. 2020) (written testimony of John A. Olszewski, Jr., Balt. Cnty. Exec.), [https://mgaleg.maryland.gov/cmte\\_testimony/2020/jpr/2365\\_02042020\\_101439-302.pdf](https://mgaleg.maryland.gov/cmte_testimony/2020/jpr/2365_02042020_101439-302.pdf) (noting that efforts to expand access to affordable housing were stymied by private landlord discrimination against voucher holders).

<sup>37</sup> HUD Pilot Study, *supra* note 18, at 9–11 (evaluating results of 16 studies and finding “landlords discriminate against voucher holders even where it is illegal to do so”); see also Coty Montag et al., *The Bad Housing Blues*, Legal Def. Fund & Nat’l Fair Hous. All., at 34 (2022), <https://www.naacpldf.org/wp-content/uploads/2022-11-14-Fair-Housing-2-web-1.pdf> (“Racial discrimination against HCV recipients is commonplace, even in areas where local or state laws prohibit landlords from refusing to accept vouchers.”).

expressly discriminate based on source of income through outright refusal to accept vouchers (such as advertising “no Section 8” in rental listings).<sup>38</sup> More commonly, however, landlords who seek to discriminate in jurisdictions with source-of-income protections have learned to “adjust their approach” by “replacing blatant acts with methods that accomplish the same result by more nuanced means.”<sup>39</sup>

Some landlords have turned to practices that appear facially neutral but have the same discriminatory effect as categorical exclusions or are used as a pretext for intentional discrimination, such as: employment requirements, credit requirements, requiring specific methods of payment, or, as relevant here, setting minimum-income requirements that are incorrectly calculated for voucher holders.<sup>40</sup> Often, these requirements are simply not achievable for voucher holders and therefore “may actually be a way to screen out voucher holders without explicitly denying their voucher.”<sup>41</sup>

The purpose and efficacy of the HOME Act are eviscerated when landlords are able

---

<sup>38</sup> See Hangen & O’Brien, *supra* note 21, at 1611–12 (finding significant levels of express discrimination in rental listings, including in cities and states with source-of-income protections like Baltimore).

<sup>39</sup> Armen H. Merjian, *Second-Generation Source of Income Housing Discrimination*, 5 Utah L. Rev. 963, 965 (2023).

<sup>40</sup> *Id.* Indeed, such minimum-income policies “are especially prevalent in jurisdictions that have laws that prohibit landlords from discriminating against voucher holders based on their source of income, because they allow a landlord to assert that it accepts vouchers but acts as a barrier for families with vouchers to actually acquire housing.” Montag et al., *supra* note 37, at 34.

<sup>41</sup> HUD Pilot Study, *supra* note 18, at 38; see also Aastha Uprety, *Impossible Minimum Income Requirements Prevent Voucher Holders from Finding Housing*, Equal Rts. Ctr. (July 18, 2019), <https://equalrightscenter.org/income-requirements-voucher->

to achieve their discriminatory goals through more subtle means. By manufacturing loopholes that have the same result as direct discrimination, landlords thwart the General Assembly's goals of eradicating source-of-income discrimination and expanding housing opportunity for voucher holders.

### **III. Respondent's Minimum-Income Policy Discriminates Against Voucher Holders Based on Source of Income in Violation of the HOME Act.**

As organizations serving Maryland voucher holders, *Amici* have witnessed firsthand the widespread harm that minimum-income requirements cause. When improperly applied, minimum-income requirements lock voucher holders out of higher-opportunity areas, forcing them into neighborhoods of concentrated poverty and racial segregation, oftentimes far away from family and support networks. *See* Section II.A, *supra*. This has been true for *Amici*'s clients, who have faced increased housing instability as a result of these discriminatory policies.<sup>42</sup>

The minimum-income policy here is discriminatory for two reasons. First, the minimum-income requirement treats voucher holders differently from non-voucher-holders by holding them accountable for more than the portion of rent for which they are responsible. Second, it disproportionately excludes voucher holders from housing. In the face of these discriminatory outcomes, Respondent cannot justify its policy,

---

discrimination.

<sup>42</sup> *See* Br. of *Amici Curiae* The Public Justice Center et al., *Hare v. David S. Brown Enterprises, Ltd.*, SCM-PET-0250-2024, at 2–3 (Md. Sup. Ct. Sept. 5, 2024) (providing examples of *Amici*'s clients who have been affected by minimum-income requirements).



as the same business reasons for minimum-income requirements simply do not apply in the context of government-backed vouchers. Thus, Respondent’s minimum-income policy, as applied to voucher holders, constitutes source-of-income discrimination in violation of the HOME Act.

A. The Minimum-Income Policy Treats Applicants with Vouchers Worse than Other Applicants.

Respondent’s minimum income requirement treats voucher holders differently than non-voucher holders. Voucher holders are only responsible for paying a portion of the total rent (if any portion at all). But Respondent’s minimum-income requirement is tethered to the *entire* rental amount, instead of just the tenant’s portion. By contrast, for applicants without vouchers, the minimum-income calculation is based only on the portion of rent for which the applicant is responsible (generally, the entire rental amount). Thus, Respondent’s minimum-income requirement holds voucher holders to a more demanding standard than applicants without vouchers. *See Fair Hous. Just. Ctr., Inc. v. Pelican Mgmt., Inc.*, No. 18CV1564EROTW, 2023 WL 6390159, at \*16 (S.D.N.Y. Sept. 29, 2023) (“This disparate treatment alone reflects intentional discrimination, as applicants with subsidies [are] forced to satisfy an unreachable and illogical standard (i.e., to prove they could pay rent for which they had no personal responsibility).”).

To truly apply the minimum-income requirement neutrally, Respondent should have considered only the share of the rent for which Petitioner was responsible—as it does for other applicants. It is undisputed that Petitioner was responsible for paying just \$126 per month, while her voucher covered the remaining \$1,464. E.089. Thus, a fair application of

the policy would require Petitioner to show an income of 2.5 times \$126, or \$378 per month. Petitioner would have easily satisfied this requirement when she showed an income of \$841 per month—more than *six times* her rental obligation.

Respondent also treats voucher holders differently by offering a slew of alternatives to the minimum-income requirement—all of which serve as a risk assessment aimed at determining whether a given applicant can pay the rent. For example, Respondent’s policy allows full-time students to submit “government documentation indicating that, through some form of financial aid, the applicant’s living expenses will be provided,” without needing to show an income of 2.5 times the rent. E.108. Other applicants can also provide bank statements showing a balance of at least five times the monthly rent. *Id.* If applicants sold a home, they can show that the purchase price exceeded twice the yearly rent. *Id.* Or they can apply with a guarantor earning five times the monthly rent. *Id.* In each of these circumstances, Respondent allows applicants who do not meet the 2.5 times the monthly rental amount minimum-income requirement to demonstrate their ability to “comfortably pay the rent” in other ways. *Id.*

With voucher holders, however, proof that they can comfortably pay the rent via their government-guaranteed housing voucher is not sufficient. Respondent has never claimed that Petitioner’s risk of nonpayment was too high. Nor could it. The Baltimore County Office of Housing had guaranteed that 92% of Petitioner’s rent (\$1,464) would go straight from the government’s hands to Respondent’s bank account every month. And based on that amount of government-guaranteed rent (\$17,568 in total from 12 payments of \$1,464), Petitioner had the equivalent of a bank account with 11 times the monthly

rent—more than double the required 5 times the rent other applicants need to show in their bank accounts to meet the income requirement. And because the PHA would have been required by statute to pay Petitioner’s rent, these funds were far more secure than a typical guarantor’s income or a tenant’s bank account, either of which can be spent at the discretion of the owner.

Given the amount of guaranteed money, the nature of the guarantor (the government, with unlimited funds), and the security of the guaranteed funds (funds earmarked for rent), Petitioner should have qualified for the apartment under Respondent’s policy. By failing to consider that Petitioner’s government-guaranteed funds would allow her to “comfortably pay the rent,” Respondent treated her differently from applicants without vouchers based on her source of income.<sup>43</sup>

B. The Minimum-Income Policy Disproportionately Impacts Voucher Holders.

Minimum-income requirements exclude most, if not all, voucher holders when landlords base the calculation on the entire rental amount, instead of just the voucher holder’s responsibility.<sup>44</sup> As Petitioner Hare explains, a minimum-income policy that

---

<sup>43</sup> There is more evidence of discriminatory intent too. For instance, after Respondent found out about the voucher, it provided inconsistent and unsubstantiated reasons for not accepting Petitioner as a tenant. E.102 ¶¶ 8–11. *Cf. T.K. v. Landmark W.*, 353 N.J. Super. 353, 362 (Law. Div. 2001), *aff’d*, 353 N.J. Super. 223 (App. Div. 2002) (“landlord’s inconsistent and unsubstantiated reasons for not accepting the plaintiff as a tenant” indicated intentional source-of-income discrimination). The validity of Respondent’s income requirement was also called into question when Respondent failed to raise it for nearly *ten weeks* after Petitioner submitted her application—despite the fact that its employees and Petitioner had been actively discussing her candidacy that entire time. E.102 ¶¶ 7–8.

<sup>44</sup> “Given that most voucher holders are considered extremely low income and many

requires 2.5 times the full rent amount would exclude *all* current voucher holders in Baltimore County from *any* apartment priced at the current payment standards, even when the value of the voucher is added to the applicant’s income. *See* Br. of Pet. Hare Br. at 19–20. By comparison, relatively few non-voucher-holders would be excluded from housing under the same policy because the median income of households without vouchers is significantly higher. *Id.* at 20.

Because minimum-income policies like Respondent’s disproportionately exclude voucher holders—a protected class under the HOME Act—from accessing housing, the fact the policy might be considered facially neutral does not shield it from liability. *See Fair Hous. Just. Ctr., Inc.*, 2023 WL 6390159, at \*16 (finding disparate impact burden satisfied where it was shown that defendant’s policy would exclude significant portions of voucher holders).

C. There Is No Business Justification for Respondent’s Application of the Minimum-Income Policy to Voucher Holders.

Minimum-income requirements tied to the full rental price are not justifiable business practices as applied to vouchers holders. Generally, the rationale for these requirements is to assure the landlord that the tenant will be able to pay their rent on time each month. But for voucher recipients, the federal government and the PHA have already made that determination to ensure that the voucher recipient will be able to consistently pay their portion of the rent while meeting their basic needs. *See* Section I.A, *supra*.

---

do not have additional sources of income outside of the voucher, these [minimum-income] policies prevent voucher holders from renting in high opportunity areas.” Montag et al., *supra* note 37, at 32.

Because the voucher program itself is set up to ensure that a recipient will consistently be able to pay their portion of the rent while meeting their other basic needs, any landlord's income requirement tied to the full rental price is obsolete.

Respondent's minimum-income policy is also an illogical way of assessing risk when applied to voucher holders. Because the government's portion of the rent is a guaranteed payment directly to the landlord, it presents no risk of nonpayment whatsoever. *See* Section I.A, *supra*. Thus, subjecting the government's portion of the rent to the same multiplier—and requiring voucher holders to earn 2.5 times that amount in addition to their own personal share of the rent—is a patently unreasonable risk assessment.

Because a voucher holder's rental obligation will only be a fraction of the unit's total rent, and where the landlord is guaranteed the remainder from the government, there is no business justification for tethering minimum-income requirements to the total rent, instead of just the tenant's portion. In the absence of any such justification for the practice, landlords should not be able to evade source-of-income laws through the discriminatory application of minimum-income requirements to voucher holders.

For these same reasons, Respondent's policy cannot be construed as a "commercially reasonable and nondiscriminatory" method of verifying a voucher applicant's ability to pay rent, either. *See* Md. Code. Ann., State Gov't § 20-704(d)(1).

D. The Minimum-Income Policy Is Incompatible with the Remedial Purpose of the HOME Act.

As this Court has repeatedly explained, "[i]n every case, the statute must be given a reasonable interpretation, not one that is absurd, illogical, or incompatible with common

sense.” *Westminster Mgmt., LLC v. Smith*, 486 Md. 616, 646 (2024) (citations omitted). This is especially true with remedial statutes, where interpretations that “would totally eviscerate the preventive purpose of the statute” are disfavored. *Coburn v. Coburn*, 342 Md. 244, 257 (1996). Interpretations should be “consistent with the protective design of the legislation and work[] to suppress the evil and advance the remedy.” *Id.* (internal citation and markings omitted).

Here, the General Assembly sought to help low-income tenants move into higher-opportunity neighborhoods by eradicating discrimination against voucher holders. *See* Section II.B, *supra*. Arbitrary income requirements, like Respondent’s here, undermine this goal by harming the very group the HOME Act was intended to protect. *Cf. Olivierre v. Parkchester Pres. Co.*, No. 452058, 2022 N.Y. Misc. LEXIS 8789, at 8 (N.Y. Sup. Ct. July 28, 2022) (“[I]f every landlord enforced minimum income requirements in this fashion, the spirit of source of income discrimination law[s] would be subverted and rendered meaningless.”).

By treating voucher holders as if they are personally responsible for the entire rent, Respondent requires voucher holders to earn far more than is necessary to pay their fraction (if any) of the rent they owe each month. Thus, to have a successful application, a voucher holder must earn something much closer to the income level of those without vouchers—an impossible task for the vast majority of voucher holders that also undermines the very purpose of the HCV program to provide access to housing for those who cannot otherwise afford it. As a result, voucher holders are cut off from apartments in higher socioeconomic areas—apartments that they can easily afford with the help of a voucher—because

landlords refuse to recognize the true value of the voucher at the application stage. This cannot be what the General Assembly intended.

Because Respondent's income requirement arbitrarily restricts economic mobility and housing opportunities for voucher holders and is thus antithetical to the General Assembly's remedial objectives in passing the statute, this Court should not allow it. *Cf. Comm'n on Hum. Rts. & Opportunities v. Sullivan Assocs.*, 250 Conn. 763, 778 (1999) (holding that a requirement that "would eviscerate the basic protection envisioned by" Connecticut's Source of Income law was illegal because "[i]t would lead to the unreasonable result that . . . the legislature . . . intended that landlords might avoid the statutory mandate by" putting up roadblocks to its fulfillment).

E. Every Jurisdiction to Address the Issue Has Concluded that Income Requirements for Voucher Holders Tied to the Full Rental Price Are Inconsistent with Source-of-Income Laws.

If this Court allows the decision below to stand, Maryland will become the *only* jurisdiction in the country to interpret its source-of-income law as allowing landlords to implement minimum-income requirements tied to the full rental amount for voucher holders. Every administrative agency and court to address this practice has determined that minimum-income requirements may only be applied to voucher holders' portion of the rent. This Court should follow the reasoning of these other jurisdictions, which have correctly understood source-of-income protections to prohibit policies like Respondent's.

Several jurisdictions specify in their statutes that minimum-income requirements for voucher holders based on the full rental price constitute source-of-income

discrimination.<sup>45</sup> Some statutes, like the HOME Act, clarify that landlords may verify a prospective tenant’s ability to pay rent, but only in a manner that is “commercially reasonable,” in “good faith,” and/or “nondiscriminatory.”<sup>46</sup> Other source-of-income statutes do not address income-verification procedures in the statute itself.<sup>47</sup>

When interpreting source-of-income statutes, no agency or court has found that minimum-income requirements like Respondent’s are acceptable. Instead, every time the issue is addressed, these laws are properly interpreted as prohibiting landlords from implementing income requirements for voucher holders based on the full rent.<sup>48</sup> For example, in Virginia, the agencies tasked with implementing the state’s fair housing laws issued guidance clarifying that any “commercially reasonable” income requirement must be tethered to the “*tenant’s portion* of rent, not the total rent.”<sup>49</sup> Similarly, the New York City Commission on Human Rights has instructed that it is a violation of the state’s source-of-income law to impose additional income requirements beyond a voucher holders’ share

---

<sup>45</sup> See, e.g., Wash. Rev. Code § 59.18.225(h)(3); Cal. Gov. Code § 12995(o); 34 R.I. Gen. Laws § 34–37–4(c); City of Tampa, Fla., Code ch. 12, art VII, § 12–143(a)(3); Columbus, Ohio, Code tit. 45, ch. 4551.03(b).

<sup>46</sup> See, e.g., Md. Code. Ann., State Gov’t § 20-704(d); Frederick, Md., Code app. F, § 3(j)(1); Lansing, Mich. Code § pt. 2, tit. 12, ch. 296.04(d).

<sup>47</sup> See Poverty & Race Rsch. Action Council, *supra* note 35.

<sup>48</sup> See generally *id.*

<sup>49</sup> Va. Real Estate Bd. & Fair Hous. Bd., *Guidance Document: Housing Discrimination on the Basis of Source of Funds*, at 4 (Apr. 21, 2021), [https://townhall.virginia.gov/l/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C222%5CGDoc\\_DPOR\\_6978\\_v1.pdf](https://townhall.virginia.gov/l/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C222%5CGDoc_DPOR_6978_v1.pdf) (emphasis in original).



of the rent because “the government has already determined that they can afford to pay their required portion.”<sup>50</sup> A number of other agencies have come to the same conclusion.<sup>51</sup>

Courts have likewise interpreted source-of-income laws to prohibit minimum-income requirements like Respondent’s. *See* Br. of Pet. Hare at 32–36 (compiling and describing cases from New Jersey, Connecticut, and New York finding that minimum-income requirements like Respondent’s violate source-of-income laws). The reasoning of these courts is persuasive and should be followed here. *See, e.g., Fair Hous. Just. Ctr., Inc. v. Pelican Mgmt., Inc.*, No. 23-7348-CV, 2025 WL 251723, at \*2 (2d Cir. Jan. 21, 2025) (affirming decision finding landlord’s minimum-income policy violated source-of-income law); *Comm’n on Hum. Rts. & Opportunities v. Sullivan*, 285 Conn. 208, 221 (2008) (finding it would be “inconsistent with the purpose” of the source-of-income law to allow landlords to “set income requirements that are not reasonably related to the personal

---

<sup>50</sup> N.Y.C. Comm’n on Hum. Rts., *Best Practices for Housing Providers to Avoid Source of Income Discrimination*, at 1 (Jan. 2021), [https://www.nyc.gov/assets/cchr/downloads/pdf/materials/FairHouse\\_FAQLandlord-2020Eng.pdf](https://www.nyc.gov/assets/cchr/downloads/pdf/materials/FairHouse_FAQLandlord-2020Eng.pdf).

<sup>51</sup> *See, e.g.,* D.C. Off. of Hum. Rts., “*Source of Income*” *Discrimination in Housing: OHR Guidance No. 16-01* (Sept. 29, 2016), [https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHRGuidance16-01\\_SourceofIncome\\_FINAL.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHRGuidance16-01_SourceofIncome_FINAL.pdf); Cook Cnty. Dep’t of Hum. Rts. & Ethics, *Memo on Source of Income Protections Under Cook County Human Rights Ordinance* (Feb. 3, 2022), [https://www.cookcountyil.gov/sites/g/files/ywwepo161/files/documents/2022-02/SourceofIncomeProtections\\_UpdatedMemo2022.pdf](https://www.cookcountyil.gov/sites/g/files/ywwepo161/files/documents/2022-02/SourceofIncomeProtections_UpdatedMemo2022.pdf); Seattle Off. for Civ. Rts., *FAQ: Alternative Source of Income, Subsidies, and Preferred Employer Programs*, <https://www.seattle.gov/civilrights/housing-rights/source-of-income-protections/faq-alternative-source-of-income-subsidies-and-preferred-employer-programs> (last visited Mar. 6, 2025); Cal. Civil Rts. Dep’t, *Source of Income Fact Sheet* (Nov. 2022), [https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/11/Source-of-Income-Fact-Sheet\\_ENG.pdf](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/11/Source-of-Income-Fact-Sheet_ENG.pdf).

periodic rental obligations of a prospective tenant who is a section 8 participant”); *Moran v. Tower Mgmt. Servs., L.P.*, No. HB52WR-61415, N.J. Admin., at 3–4 (N.J. Dep’t of Law & Pub. Safety, Div. of Civ. Rts. June 18, 2019) (“Minimum income requirements have a disparate impact on Section 8 recipients because Section 8 recipients generally must have very low incomes in order to qualify for the program to begin with.”).

If this Court were to rule in Respondent’s favor, it would be in direct opposition to every other state legislature, federal or state court, and state regulatory agency that has considered the issue. This Court should decline to make Maryland the outlier and should instead follow these other jurisdictions in holding that source-of-income protections are incompatible with minimum-income requirements like Respondent’s.

### **CONCLUSION**

For the foregoing reasons, *Amici Curiae* respectfully request that this Court reverse the Circuit Court’s grant of summary judgment.

Dated: March 7, 2025

Respectfully submitted,

/s/ Rebecca A. Ojserkis

Rebecca A. Ojserkis (AIS 2108090004)

Brian Corman\*

Dana Busgang\*

Alisa Tiwari\*

Phoebe Wolfe\*

COHEN MILSTEIN SELLERS & TOLL PLLC

1100 New York Avenue, Suite 800

Washington, D.C. 20005

Telephone: (202) 408-4600

Facsimile: (202) 408-4699

rojserkis@cohenmilstein.com

bcorman@cohenmilstein.com

dbusgang@cohenmilstein.com

atiwari@cohenmilstein.com

pwolfe@cohenmilstein.com

Albert Turner (AIS 1412180240)

C. Matthew Hill (AIS 0712110352)

PUBLIC JUSTICE CENTER

201 N. Charles Street, Suite 1200

Baltimore, MD 21201

Telephone: (410) 625-9409

Facsimile: (410) 625-9423

turnera@publicjustice.org

hillm@publicjustice.org

*Counsel for Amici Curiae*

\*Application for special admission pending

## CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2025, the foregoing Brief of *Amici Curiae* was served via MDEC and First Class Mail to:

James M. Ray, II  
Ray Legal Group, LLC  
8720 Georgia Ave., Suite 904  
Silver Spring, MD 20910

*Counsel for Petitioner*

Lauren A. DiMartino  
Andrew D. Freeman  
Brown, Goldstein & Levy, LLP  
120 E. Baltimore St., Suite 2500  
Baltimore, MD 21202

*Counsel for Petitioner*

Eric M. Rigatuso  
Kari J. Gallagher  
Eccleston & Wolf, P.C.  
7240 Parkway Dr., 4th Floor  
Hanover, MD 21076

*Counsel for Respondent*

*/s/ Rebecca A. Ojserkis*

\_\_\_\_\_  
Rebecca A. Ojserkis

**CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112**

1. This brief contains 6,452 words, excluding the parts of the brief exempted from the word count by Rule 8-503.

2. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112.

*/s/ Rebecca A. Ojserkis*

\_\_\_\_\_  
Rebecca A. Ojserkis

**APPENDIX**  
**STATEMENTS OF INTEREST**

The **Public Justice Center** (“PJC”) is a non-profit civil rights and anti-poverty legal organization established in 1985. The PJC uses impact litigation, public education, and legislative advocacy through a race equity lens to accomplish law reform for its clients. The organization also represents indigent and disadvantaged persons in eviction and fair housing cases in Maryland. In addition, it supports adoption of fair housing legislation that has a deep impact on Maryland renters. The PJC has a long-standing commitment to ensuring all landlord/tenant and fair housing laws are applied justly with a focus on improving the lives of low-income Maryland renters. *See, e.g., Assanah-Carroll v. L. Offs. of Edward J. Maher, P.C.*, 480 Md. 394 (2022); *Aleti v. Metro. Baltimore, LLC*, 251 Md. App. 482 (2021); *Pettiford v. Next Gen. Trust Serv.*, 467 Md. 624 (2020); *Lockett v. Blue Ocean Bristol, LLC*, 446 Md. 397 (2016); *Westminster v. Smith*, 486 Md. 616 (2024). The PJC has an interest in this case because of its potential impact on PJC’s clients and fair housing laws.

The **Lawyers’ Committee for Civil Rights Under Law** (“Lawyers’ Committee”) is a nonprofit civil rights organization founded in 1963 to secure equal justice for all through the rule of law, targeting, in particular, the inequities confronting Black Americans and other people of color. The Lawyers’ Committee uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have voice, opportunity, and power to make the promises of our democracy real. The Lawyers’ Committee has for decades sought to ensure that Black families are able to

exercise true fair housing choice free from arbitrary and discriminatory barriers like source of income discrimination. Interpreting the scope of Maryland’s prohibition on source of income discrimination to include transparent strategies to evade the law—like that at issue in this case—is critical to achieving that goal.

The **National Housing Law Project** (“NHLP”) is a nonprofit organization that works to strengthen and enforce tenants’ rights, increase housing opportunities for underserved communities, and preserve and expand the nation’s supply of safe and affordable homes. Since 1981, NHLP has published HUD Housing Programs: Tenants’ Rights, the seminal authority on the rights of HUD tenants—including families participating in the Housing Choice Voucher program. And NHLP coordinates the Housing Justice Network (HJN), of more than 2,200 legal aid attorneys, advocates, and organizers who have collaborated on important and complex housing law issues for over 40 years. NHLP staff and HJN members have extensive experience advocating for participants in federal housing voucher programs and working to enact and enforce state and local laws prohibiting housing discrimination based on the use of vouchers or other unjustly stigmatized income sources.

The **Equal Rights Center** (“ERC”) is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment, and public accommodations, throughout the Greater Washington, D.C. area, the State of Maryland, and nationwide. For many years, 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, conducted education and outreach

about fair housing protections and requirements, and pursued enforcement of fair housing laws in Maryland as needed. The ERC regularly assists voucher holders who are reporting source of income discrimination, including voucher holders in Maryland who have been unfairly denied housing due to improperly applied minimum income requirements. ERC has an interest in this case because of its potential impact on ERC's clients, who are voucher holders attempting to locate housing without experiencing discrimination in Maryland, and on ERC's ability to meaningfully enforce source of income protections in Maryland.

**National Fair Housing Alliance** (“NFHA”) is a national organization dedicated to ending discrimination and ensuring equal opportunity in housing for all people. Founded in 1988, NFHA is a consortium of 250 private, non-profit fair housing organizations, state and local civil rights agencies, and individuals. NFHA strives to eliminate housing discrimination and ensure equal housing opportunities for all people through education and outreach, member services, public policy, advocacy, housing and community development, tech equity, enforcement, and consulting and compliance programs. Relying on the federal, state, and local fair housing laws, NFHA undertakes important enforcement initiatives in cities and states across the country and participates as *amicus curiae* in cases to further its goal of achieving equal housing opportunities for all.

The **Homeless Persons Representation Project, Inc.** (“HPRP”), founded in 1990, is a non-profit organization whose mission is to end homelessness in Maryland by providing free legal services and advocacy for persons who are homeless or at risk of homelessness. HPRP was one of the lead advocates supporting the passage of the Maryland



HOME Act, and its housing practice focuses on the rights of tenants and prospective tenants of affordable housing subsidized by federal, state, and local programs. HPRP has acted as *amicus curiae* and counsel in the Maryland appellate courts in matters seeking to enforce the rights of renters, including those using Housing Choice Vouchers. *See, e.g., Montgomery Cnty. v. Glenmont Hills Assocs.*, 402 Md. 250 (2007); *Grady Mgmt. v. Epps*, 218 Md. App. 712 (2012); *Matthews v. Hous. Auth. of Balt. City*, 216 Md. App. 672 (2014); *Foghorn v. Hosford*, 455 Md. 462 (2017); *McDonell v. Harford Cnty. Hous. Agency*, 462 Md. 586 (2019); *Westminster Management, LLC v. Smith*, 486 Md. 616 (2024). HPRP has a strong interest in ensuring that tenants using Housing Choice Vouchers and other rental subsidies are not subject to discrimination and denied housing based on their source of income. Discrimination based on source of income both causes homelessness and prevents families from ending their homelessness.

The **Fair Housing Justice Center** (“FHJC”) is a nonprofit civil rights organization dedicated to eliminating housing discrimination, promoting policies that foster open, accessible, and inclusive communities, and strengthening enforcement of fair housing laws. The FHJC serves all five boroughs of New York City and the seven surrounding New York counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester. The FHJC uses testing and other tools to investigate allegations of housing discrimination. When the FHJC uncovers evidence of discrimination, it files lawsuits and other enforcement actions alleging violations of fair housing laws. The FHJC has extensive experience advocating for voucher holders who have been subject to source of income discrimination and working to enact and enforce state and local laws prohibiting housing

discrimination based on the use of vouchers. The FHJC has an interest in this case because of its potential impact on fair housing laws and the communities FHJC serves.

**Disability Rights Maryland** (“DRM”) is the federally designated Protection & Advocacy (P&A) agency in Maryland, mandated by Congress since 1975 to advance the civil rights of people with disabilities. One of DRM’s goals is to end the unnecessary segregation and institutionalization of people with disabilities. As such, DRM works to expand housing opportunities so that Marylanders with disabilities have access to safe, affordable, and accessible housing, while fully participating in all aspects of community life. DRM also represents low-income people with disabilities in eviction cases and voucher holders who are at risk of voucher termination through Maryland’s Access to Counsel in Eviction (ACE) Program, as well as representing people with disabilities in fair housing cases. The enforcement of federal, state, and local fair housing laws is critically important for people with disabilities who continue to face disproportionately high levels of discrimination in housing.<sup>52</sup> DRM has an interest in this case because Housing Choice Vouchers are an essential tool for low-income families seeking housing in integrated communities that may offer better transportation, more accessibility, and greater opportunities for them and their families.

---

<sup>52</sup> Nat’l Fair Hous. Alliance, *Advancing a Blueprint for Equity: 2023 Fair Housing Trends Report*. In FY 2023, 48% of all housing cases received by the Maryland Commission on Civil Rights alleged disability discrimination. Md. State Comm’n on Civil Rts., 2023 Annual Report, available at [https://mccr.maryland.gov/Documents/publications/MCCR\\_Annual%20report%202023.pdf](https://mccr.maryland.gov/Documents/publications/MCCR_Annual%20report%202023.pdf); U.S. Dep’t of Hous. & Urb. Dev., Off. of Pol’y Dev. & Rsch., *Rental Housing Discrimination on the Basis of Mental Disabilities: Results of a Pilot Test*.

The **Poverty & Race Research Action Council** (“PRRAC”) is a civil rights policy organization based in Washington, DC, committed to bringing the insights of social science research to the fields of civil rights and poverty law. PRRAC’s housing work focuses on the government’s role in creating and perpetuating patterns of racial and economic segregation, the long-term consequences of segregation for low-income families of color in the areas of health, education, employment, and economic mobility, and the government policies that are necessary to remedy these disparities. For over a decade, PRRAC has engaged in research, policy analysis, and advocacy on the barriers facing families using federal Housing Choice Vouchers (HCVs) to move to higher opportunity areas. One of the key barriers is the prevalence of discrimination against HCV families. As part of its work PRRAC has researched best practices in local source of income discrimination laws, and since 2005, has maintained a directory of all state and local statutes and ordinances barring source of income discrimination.

The **Baltimore Regional Housing Partnership** (“BRHP”) is a 501(c)(3) nonprofit organization that expands housing choices for families with low incomes who have historically been excluded from housing in well-resourced neighborhoods. Launched in 2012 to administer the Baltimore Housing Mobility Program following the landmark housing desegregation lawsuit *Thompson v. HUD*, BRHP couples Housing Choice Voucher (HCV) administration with pre-and post-move counseling to help families transition to safe, healthy and economically vibrant communities. For over a decade, BRHP’s mobility counseling team has assisted families who receive HCV assistance to break down barriers to move to higher opportunity areas, commonly encountering discriminatory landlord

practices that exclude program participants from accessing housing. Since passage of Maryland's source of income discrimination law, BRHP has advised and supported program participants in navigating the law's protections for voucher holders. The continued prevalence of reported discriminatory practices by program participants motivated BRHP to create a standard policy to provide guidance and assistance with reporting instances to appropriate enforcement entities and tracking procedure. BRHP's mobility counseling team includes landlord liaisons who also help to intervene with property providers and provide education about practices that violate the state's source of income discrimination law.

**Maryland Legal Aid** advocates with and for Marylanders experiencing poverty to achieve equity and social justice through free civil legal services, community collaboration, and systemic change. Maryland Legal Aid is the largest provider of free civil legal services in the state serving people in all of Maryland's 23 jurisdictions and Baltimore City. From its 11 offices, Maryland Legal Aid assists its clients in resolving their most fundamental legal problems to bring greater stability and possibilities to their lives. Importantly, this work includes helping clients preserve and access safe and affordable housing with a focus on preserving subsidized and public housing.

**Housing Works, Inc.** provides services to thousands of marginalized clients, including those who are living with HIV/AIDS, who are unhoused, and who are wrestling with mental illness. Housing Works' Legal Department has been at the forefront of combating source of income discrimination, filing and winning many landmark cases,

including *Olivierre v. Parkchester Preserv. Co.*, L.P, No. 452058 (N.Y. Sup. Ct. 2022), which struck down minimum-income requirements for voucher holders in New York.