

HOUSE BILL 106

D5, C8

6lr0791

By: **Delegates Fennell, D. Barnes, Barron, C. Howard, Knotts, Patterson, Platt, Reznik, S. Robinson, Rosenberg, Sanchez, Smith, Tarlau, Valderrama, and Vaughn**

Introduced and read first time: January 18, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Discrimination in Housing – Reentry–Into–Society Status**

3 FOR the purpose of expanding the housing policy of the State to include providing for fair
4 housing to all citizens regardless of reentry–into–society status; prohibiting a person
5 from refusing to sell or rent a dwelling to any person because of reentry–into–society
6 status; prohibiting a person from discriminating against any person in the terms,
7 conditions, or privileges of the sale or rental of a dwelling because of
8 reentry–into–society status; prohibiting a person from making, printing, or
9 publishing certain types of materials with respect to the sale or rental of a dwelling
10 that indicate a preference, limitation, or discrimination on the basis of
11 reentry–into–society status; prohibiting a person from falsely representing that a
12 dwelling is not available for inspection, sale, or rental based on reentry–into–society
13 status; prohibiting a person from inducing or attempting to induce, for profit, a
14 person to sell or rent a dwelling by making certain representations relating to the
15 entry or prospective entry into the neighborhood of a person having a particular
16 reentry–into–society status; prohibiting a person whose business includes engaging
17 in residential real estate–related transactions from discriminating against any
18 person in making available a transaction or in the terms or conditions of a
19 transaction because of reentry–into–society status; prohibiting a person from
20 denying a person, based on reentry–into–society status, access to, or membership or
21 participation in, a service, an organization, or a facility relating to the business of
22 selling or renting dwellings, or discriminating against a person in the terms or
23 conditions of membership or participation; prohibiting a person from, by force or
24 threat of force, willfully injuring, intimidating, or interfering with any person
25 because of reentry–into–society status because the person is negotiating for the sale
26 or rental of any dwelling or participating in any service relating to the business of
27 selling or renting dwellings; providing that this Act does not limit the rights or
28 remedies that are otherwise available to a landlord or tenant under any other law;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 defining a certain term; and generally relating to prohibitions against discrimination
2 in housing based on reentry-into-society status.

3 BY repealing and reenacting, with amendments,
4 Article – State Government
5 Section 20–701, 20–702, 20–705, 20–707, and 20–1103
6 Annotated Code of Maryland
7 (2014 Replacement Volume and 2015 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article – State Government
10 Section 20–703 and 20–704
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2015 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – State Government**

16 20–701.

17 (a) In this subtitle the following words have the meanings indicated.

18 (b) (1) “Disability” means:

19 (i) a physical or mental impairment that substantially limits one or
20 more of an individual’s major life activities;

21 (ii) a record of having a physical or mental impairment that
22 substantially limits one or more of an individual’s major life activities; or

23 (iii) being regarded as having a physical or mental impairment that
24 substantially limits one or more of an individual’s major life activities.

25 (2) “Disability” does not include the current illegal use of or addiction to:

26 (i) a controlled dangerous substance, as defined in § 5–101 of the
27 Criminal Law Article; or

28 (ii) a controlled substance, as defined in 21 U.S.C. § 802.

29 (c) “Discriminatory housing practice” means an act that is prohibited under §
30 20–705, § 20–706, § 20–707, or § 20–708 of this subtitle.

31 (d) “Dwelling” means:

1 (1) any building, structure, or portion of a building or structure that is
2 occupied, or designed or intended for occupancy, as a residence by one or more families; and

3 (2) any vacant land that is offered for sale or lease for the construction or
4 location on the land of any building, structure, or portion of a building or structure
5 described in item (1) of this subsection.

6 (e) (1) "Familial status" means the status of one or more minors who are
7 domiciled with:

8 (i) a parent or other person having legal custody of the minor; or

9 (ii) the designee of a parent or other person having legal custody of
10 the minor with the written permission of the parent or other person.

11 (2) "Familial status" includes the status of being:

12 (i) a pregnant woman; or

13 (ii) an individual who is in the process of securing legal custody of a
14 minor.

15 (f) "Family" includes a single individual.

16 (g) "In the business of selling or renting dwellings" means:

17 (1) within the preceding 12 months, participating as a principal in three or
18 more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

19 (2) within the preceding 12 months, participating as an agent, other than
20 in the sale of the individual's own personal residence, in providing sales or rental facilities
21 or services in two or more transactions involving the sale or rental of any dwelling or any
22 interest in a dwelling; or

23 (3) being the owner of any dwelling occupied, or designed or intended for
24 occupancy, by five or more families.

25 (h) "Marital status" means the state of being single, married, separated, divorced,
26 or widowed.

27 **(I) "REENTRY-INTO-SOCIETY STATUS" MEANS THE STATE OF HAVING**
28 **COMPLETED A COURT-ORDERED SENTENCE OF IMPRISONMENT.**

29 **[(i)] (J)** "Rent" includes to lease, sublease, let, or otherwise grant for a
30 consideration the right to occupy premises not owned by the occupant.

31 20-702.

1 (a) It is the policy of the State:

2 (1) to provide for fair housing throughout the State to all, regardless of
3 race, color, religion, sex, familial status, national origin, marital status, sexual orientation,
4 gender identity, [or] disability, **OR REENTRY-INTO-SOCIETY STATUS**; and

5 (2) to that end, to prohibit discriminatory practices with respect to
6 residential housing by any person, in order to protect and insure the peace, health, safety,
7 prosperity, and general welfare of all.

8 (b) This subtitle:

9 (1) is an exercise of the police power of the State for the protection of the
10 people of the State; and

11 (2) shall be administered and enforced by the Commission and, as provided
12 in this title, enforced by the appropriate State court.

13 20-703.

14 This subtitle does not:

15 (1) invalidate or limit any local law that requires dwellings to be designed
16 and constructed in a manner that affords an individual with a disability greater access than
17 is required by § 20-706(b) of this subtitle;

18 (2) limit the applicability of any reasonable local, State, or federal
19 restrictions regarding the maximum number of occupants allowed to occupy a dwelling;

20 (3) prohibit the State or a local government from enacting standards that
21 govern the location of group homes, as defined in § 4-601 of the Housing and Community
22 Development Article;

23 (4) affect the powers of any local government to enact an ordinance on any
24 subject covered by this subtitle, provided that the ordinance does not authorize any act that
25 would be a discriminatory housing practice under this subtitle;

26 (5) require that a dwelling be made available to an individual whose
27 tenancy would:

28 (i) constitute a direct threat to the health or safety of other
29 individuals; or

30 (ii) result in substantial physical damage to the property of others;

1 (6) prohibit conduct against a person because the person has been
2 convicted by a court of competent jurisdiction of the illegal manufacture or distribution of:

3 (i) a controlled dangerous substance, as defined in § 5–101 of the
4 Criminal Law Article; or

5 (ii) a controlled substance, as defined in 21 U.S.C. § 802;

6 (7) unless membership in the religion is restricted on the basis of race,
7 color, or national origin, prohibit a religious organization, association, or society or any
8 nonprofit institution or organization operated, supervised, or controlled by or in conjunction
9 with a religious organization, association, or society from giving preference or limiting the
10 sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial
11 purpose to persons of the same religion; or

12 (8) prohibit a private club that is not open to the public and that, as an
13 incident to its primary purpose or purposes, provides lodgings that it owns or operates for
14 other than a commercial purpose, from limiting the rental or occupancy of the dwellings to
15 its members or from giving preference to its members.

16 20–704.

17 (a) This subtitle does not apply to:

18 (1) the sale or rental of a single–family dwelling, if the dwelling is sold or
19 rented without:

20 (i) the use of the sales or rental facilities or services of any:

21 1. real estate broker, agent, or salesperson;

22 2. agent of any real estate broker, agent, or salesperson;

23 3. person in the business of selling or renting dwellings; or

24 4. agent of a person in the business of selling or renting
25 dwellings; or

26 (ii) the publication, posting, or mailing, after notice, of any
27 advertisement or written notice in violation of this subtitle; and

28 (2) with respect to discrimination on the basis of sex, sexual orientation,
29 gender identity, or marital status:

30 (i) the rental of rooms in any dwelling, if the owner maintains the
31 dwelling as the owner’s principal residence; or

1 (ii) the rental of any apartment in a dwelling that contains not more
2 than five rental units, if the owner maintains the dwelling as the owner's principal
3 residence.

4 (b) The use of attorneys, escrow agents, abstractors, title companies, and other
5 similar professional assistance as necessary to perfect or transfer the title to a
6 single-family dwelling does not subject a person to this subtitle if the person otherwise
7 would be exempted under subsection (a) of this section.

8 (c) (1) (i) In this subsection, "housing for older persons" means housing:

9 1. provided under any State or federal program that is
10 specifically designed and operated to assist elderly persons, as defined in the State or
11 federal program;

12 2. intended for, and solely occupied by, persons who are at
13 least 62 years old;

14 3. intended and operated for occupancy by at least one person
15 who is at least 55 years old in each unit; or

16 4. that meets the requirements set forth in regulations
17 adopted by the Secretary of Housing and Urban Development under 42 U.S.C. §
18 3607(b)(2)(C).

19 (ii) "Housing for older persons" includes:

20 1. unoccupied units, if the units are reserved for occupancy
21 by persons who meet the age requirements of subparagraph (i) of this paragraph; or

22 2. units occupied as of September 13, 1988 by persons who
23 do not meet the age requirements of subparagraph (i) of this paragraph, if the new occupant
24 of the unit meets the age requirement.

25 (2) The provisions in this subtitle concerning familial status do not apply
26 to housing for older persons.

27 20-705.

28 Except as provided in §§ 20-703 and 20-704 of this subtitle, a person may not:

29 (1) refuse to sell or rent after the making of a bona fide offer, refuse to
30 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any
31 person because of race, color, religion, sex, disability, marital status, familial status, sexual
32 orientation, gender identity, [or] national origin, **OR REENTRY-INTO-SOCIETY STATUS**;

1 (2) discriminate against any person in the terms, conditions, or privileges
2 of the sale or rental of a dwelling, or in the provision of services or facilities in connection
3 with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital
4 status, familial status, sexual orientation, gender identity, [or] national origin, **OR**
5 **REENTRY-INTO-SOCIETY STATUS**;

6 (3) make, print, or publish, or cause to be made, printed, or published, any
7 notice, statement, or advertisement with respect to the sale or rental of a dwelling that
8 indicates any preference, limitation, or discrimination based on race, color, religion, sex,
9 disability, marital status, familial status, sexual orientation, gender identity, [or] national
10 origin, **OR REENTRY-INTO-SOCIETY STATUS**, or an intention to make any preference,
11 limitation, or discrimination;

12 (4) represent to any person, because of race, color, religion, sex, disability,
13 marital status, familial status, sexual orientation, gender identity, [or] national origin, **OR**
14 **REENTRY-INTO-SOCIETY STATUS**, that any dwelling is not available for inspection, sale,
15 or rental when the dwelling is available; or

16 (5) for profit, induce or attempt to induce any person to sell or rent any
17 dwelling by representations regarding the entry or prospective entry into the neighborhood
18 of a person of a particular race, color, religion, sex, disability, marital status, familial status,
19 sexual orientation, gender identity, [or] national origin, **OR REENTRY-INTO-SOCIETY**
20 **STATUS**.

21 20-707.

22 (a) In this section, “residential real estate-related transaction” means:

23 (1) the making or purchasing of loans or providing other financial
24 assistance:

25 (i) for purchasing, constructing, improving, repairing, or
26 maintaining a dwelling; or

27 (ii) secured by residential real estate; or

28 (2) the selling, brokering, or appraising of residential real property.

29 (b) (1) A person whose business includes engaging in residential real
30 estate-related transactions may not discriminate against any person in making available
31 a transaction, or in the terms or conditions of a transaction, because of race, color, religion,
32 sex, disability, marital status, familial status, sexual orientation, gender identity, [or]
33 national origin, **OR REENTRY-INTO-SOCIETY STATUS**.

34 (2) Paragraph (1) of this subsection does not prohibit a person engaged in
35 the business of furnishing appraisals of real property from taking into consideration factors

1 other than race, color, religion, sex, disability, marital status, familial status, sexual
2 orientation, gender identity, [or] national origin, **OR REENTRY-INTO-SOCIETY STATUS**.

3 (c) A person may not, because of race, color, religion, sex, disability, marital
4 status, familial status, sexual orientation, gender identity, [or] national origin, **OR**
5 **REENTRY-INTO-SOCIETY STATUS**:

6 (1) deny a person access to, or membership or participation in, a
7 multiple-listing service, real estate brokers' organization, or other service, organization, or
8 facility relating to the business of selling or renting dwellings; or

9 (2) discriminate against a person in the terms or conditions of membership
10 or participation.

11 20-1103.

12 (a) In this section, "disability", "dwelling", "familial status", "marital status",
13 [and] "rent", **AND "REENTRY-INTO-SOCIETY STATUS"** have the meanings stated in §
14 20-701 of this title.

15 (b) Whether or not acting under color of law, a person may not, by force or threat
16 of force, willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or
17 interfere with:

18 (1) any person because of race, color, religion, sex, disability, marital
19 status, familial status, sexual orientation, gender identity, [or] national origin, **OR**
20 **REENTRY-INTO-SOCIETY STATUS** and because the person is or has been:

21 (i) selling, purchasing, renting, financing, occupying, or contracting
22 or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling; or

23 (ii) applying for or participating in any service, organization, or
24 facility relating to the business of selling or renting dwellings;

25 (2) any person because the person is or has been, or in order to intimidate
26 the person or any other person or any class of persons from:

27 (i) participating, without discrimination on account of race, color,
28 religion, sex, disability, marital status, familial status, sexual orientation, gender identity,
29 [or] national origin, **OR REENTRY-INTO-SOCIETY STATUS**, in any of the activities,
30 services, organizations, or facilities described in item (1) of this subsection; or

31 (ii) affording another person or class of persons the opportunity or
32 protection to participate in any of the activities, services, organizations, or facilities
33 described in item (1) of this subsection; or

1 (3) any person because the person is or has been, or in order to discourage
2 the person or any other person from:

3 (i) lawfully aiding or encouraging other persons to participate,
4 without discrimination on account of race, color, religion, sex, disability, marital status,
5 familial status, sexual orientation, gender identity, [or] national origin, **OR**
6 **REENTRY-INTO-SOCIETY STATUS**, in any of the activities, services, organizations, or
7 facilities described in item (1) of this subsection; or

8 (ii) participating lawfully in speech or peaceful assembly opposing
9 any denial of the opportunity to participate in any of the activities, services, organizations,
10 or facilities described in item (1) of this subsection.

11 (c) A person who violates this section is guilty of a misdemeanor and on conviction
12 is subject to:

13 (1) imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or
14 both;

15 (2) if the violation results in bodily injury, imprisonment not exceeding 10
16 years or a fine not exceeding \$10,000 or both; or

17 (3) if the violation results in death, imprisonment not exceeding life.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not limit the
19 rights or remedies that otherwise are available to a landlord or tenant under any other law.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2016.