SENATE BILL 812

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 \text{D5, N1} \\
 \text{SB } 728/17 - \text{JPR} \\
 \end{array}$ CF HB 451

By: Senators Smith, Carter, Hayes, Kagan, Lee, and Washington

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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Fair Housing Opportunities Act of 2019

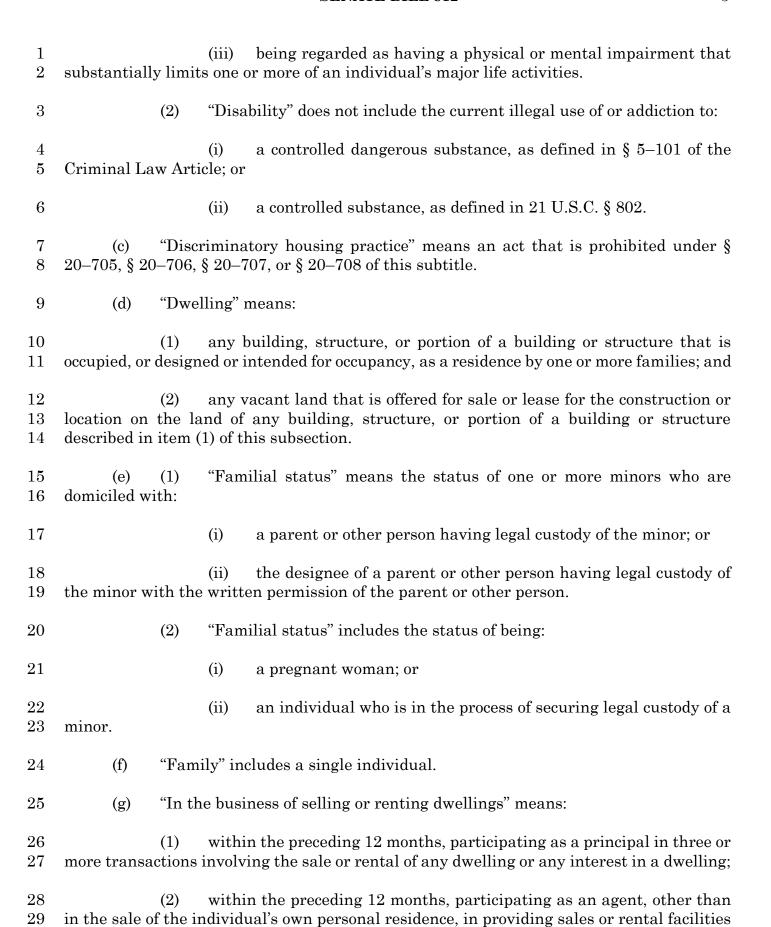
FOR the purpose of expanding the housing policy of the State to include providing for fair housing to all citizens regardless of source of income; prohibiting a person from refusing to sell or rent a dwelling to any person because of source of income; establishing certain qualifications and limitations on the general prohibition against discrimination in housing based on source of income; prohibiting a person from discriminating against any person in the terms, conditions, or privileges of the sale or rental of a dwelling because of source of income; prohibiting a person from making, printing, or publishing certain types of materials with respect to the sale or rental of a dwelling that indicate a preference, limitation, or discrimination on the basis of source of income; prohibiting a person from falsely representing that a dwelling is not available for inspection, sale, or rental based on source of income; prohibiting a person from inducing or attempting to induce, for profit, a person to sell or rent a dwelling by making certain representations relating to the entry or prospective entry into the neighborhood of a person having a particular source of income; prohibiting a person whose business includes engaging in residential real estate transactions from discriminating against any person in making available a transaction, or in the terms or conditions of a transaction, because of source of income; prohibiting a person from denying a person, based on source of income, access to or membership or participation in a service, an organization, or a facility relating to the business of selling or renting dwellings or from discriminating against a person in the terms or conditions of membership or participation; prohibiting a person from, by force or threat of force, willfully injuring, intimidating, or interfering with any person because of source of income and because the person is negotiating for the sale or rental of any dwelling or participating in any service relating to the business of selling or renting dwellings; defining a certain term; providing that this Act does not limit the rights or remedies that are otherwise available to a landlord or tenant under any other law; and generally relating to prohibitions against discrimination in housing based on source of income.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

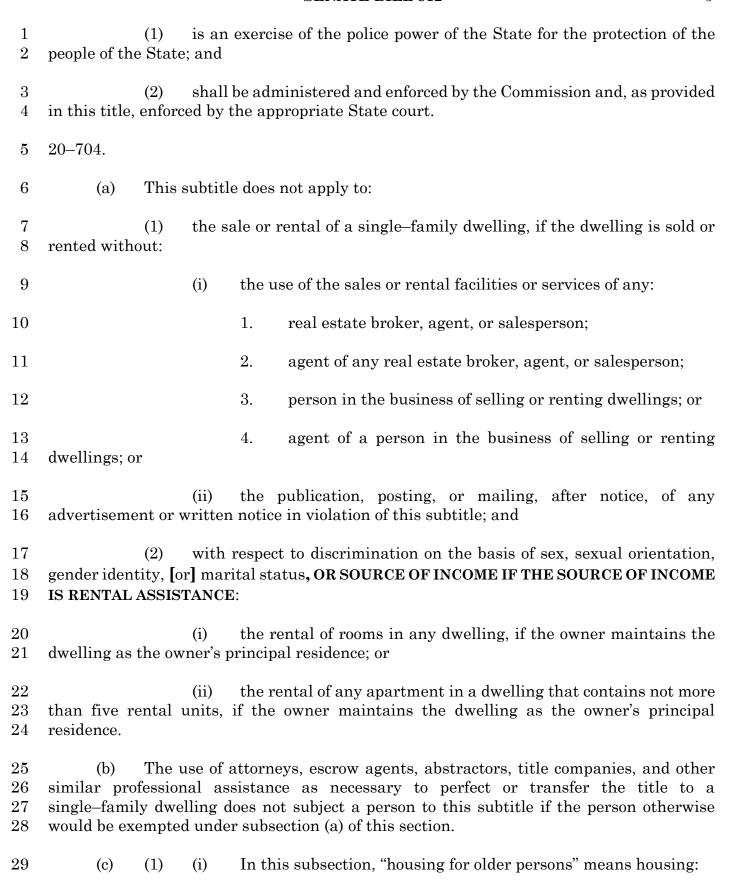
[Brackets] indicate matter deleted from existing law.



1 2 3 4 5	BY repealing and reenacting, with amendments, Article – State Government Section 20–701, 20–702, 20–704, 20–705, 20–707, and 20–1103 Annotated Code of Maryland (2014 Replacement Volume and 2018 Supplement)
6	Preamble
7 8 9	WHEREAS, The General Assembly recognizes that equality, fairness, and opportunity for Maryland residents often require government action and that security, mobility, and economic opportunity are enhanced by the location of a person's home; and
10 11 12 13	WHEREAS, Discrimination in housing based on a person's source of income primarily affects persons that the General Assembly has already determined to need legal protection from discrimination such as families with children, people of color, and people with disabilities; and
14 15 16 17	WHEREAS, Thirteen states, including California, Connecticut, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont, Washington, and Wisconsin, the District of Columbia, and more than 50 localities across the country have laws prohibiting discrimination based on a person's source of income; and
18 19 20	WHEREAS, This Act will not prevent private landlords from considering relevant, nondiscriminatory factors in screening rental applicants, including an applicant's ability to comply with lease terms and prior tenancy history; and
21 22 23 24	WHEREAS, This Act seeks to deconcentrate poverty by providing additional opportunities for tenants utilizing public subsidies to live in neighborhoods other than the neighborhoods in which those individuals are currently and disproportionately residing; now, therefore,
25 26	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
27	Article - State Government
28	20–701.
29	(a) In this subtitle the following words have the meanings indicated.
30	(b) (1) "Disability" means:
31 32	(i) a physical or mental impairment that substantially limits one or more of an individual's major life activities;
33 34	(ii) a record of having a physical or mental impairment that substantially limits one or more of an individual's major life activities; or



- or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or
- 3 (3) being the owner of any dwelling occupied, or designed or intended for 4 occupancy, by five or more families.
- 5 (h) "Marital status" means the state of being single, married, separated, divorced, 6 or widowed.
- 7 (i) "Rent" includes to lease, sublease, let, or otherwise grant for a consideration 8 the right to occupy premises not owned by the occupant.
- 9 (J) (1) "SOURCE OF INCOME" MEANS ANY LAWFUL SOURCE OF MONEY 10 PAID DIRECTLY OR INDIRECTLY TO OR ON BEHALF OF A RENTER OR BUYER OF 11 HOUSING.
- 12 (2) "SOURCE OF INCOME" INCLUDES INCOME FROM:
- 13 (I) A LAWFUL PROFESSION, OCCUPATION, OR JOB;
- 14 (II) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, LOAN,
- 15 OR RENTAL ASSISTANCE PROGRAM, INCLUDING LOW-INCOME HOUSING
- 16 ASSISTANCE CERTIFICATES AND VOUCHERS ISSUED UNDER THE UNITED STATES
- 17 HOUSING ACT OF 1937;
- 18 (III) A GIFT, AN INHERITANCE, A PENSION, AN ANNUITY,
- 19 ALIMONY, CHILD SUPPORT, OR ANY OTHER CONSIDERATION OR BENEFIT; OR
- 20 (IV) THE SALE OR PLEDGE OF PROPERTY OR AN INTEREST IN
- 21 PROPERTY.
- 22 20–702.
- 23 (a) It is the policy of the State:
- 24 (1) to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation,
- 26 gender identity, [or] disability, OR SOURCE OF INCOME; and
- 27 (2) to that end, to prohibit discriminatory practices with respect to
- 28 residential housing by any person, in order to protect and ensure the peace, health, safety,
- 29 prosperity, and general welfare of all.
- 30 (b) This subtitle:



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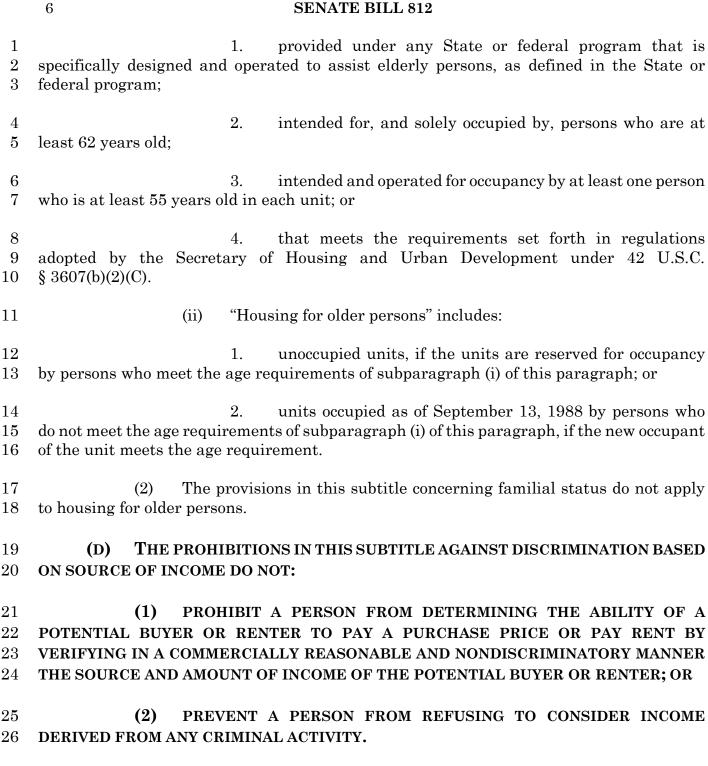
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28Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

refuse to sell or rent after the making of a bona fide offer, refuse to (1) negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME;

- 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 SOURCE OF INCOME;
 - (3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME, or an intention to make any preference, 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 **SOURCE OF INCOME,** that any dwelling is not available for inspection, sale, or rental when 15 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 SOURCE OF INCOME.
- 20 20–707.

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- 21 (a) In this section, "residential real estate-related transaction" means:
- 22 (1) the making or purchasing of loans or providing other financial 23 assistance:
- 24 (i) for purchasing, constructing, improving, repairing, or 25 maintaining a dwelling; or
- 26 (ii) secured by residential real estate; or
- 27 (2) the selling, brokering, or appraising of residential real property.
- (b) (1) A person whose business includes engaging in residential real estate—related transactions may not discriminate against any person in making available a transaction, or in the terms or conditions of a transaction, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME.
- 33 (2) Paragraph (1) of this subsection does not prohibit a person engaged in 34 the business of furnishing appraisals of real property from taking into consideration factors

- other than race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME.
- 3 (c) A person may not, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR 5 SOURCE OF INCOME:
- 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 "SOURCE OF INCOME" have the meanings stated in § 20–701 of this
- 14 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 status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME 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, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, 29 [or] national origin, **OR SOURCE OF INCOME**, in any of the activities, services, 30 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 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 SOURCE OF 6 **INCOME,** in any of the activities, services, organizations, or facilities described in item (1) 7 of this subsection; or 8 (ii) participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate in any of the activities, services, organizations, 9 or facilities described in item (1) of this subsection. 10 11 A person who violates this section is guilty of a misdemeanor and on conviction (c) 12 is subject to: 13 (1) imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; 14 15 if the violation results in bodily injury, imprisonment not exceeding 10 (2)
- 17 (3) if the violation results in death, imprisonment not exceeding life.

years or a fine not exceeding \$10,000 or both; or

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- SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not limit the rights or remedies that otherwise are available to a landlord or tenant under any other law.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.