

HOUSE BILL 1245

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HB 861/97 - CGM

1998 Regular Session
8lr0201
CF 8lr2374

By: **Delegates Hurson, Rawlings, Opara, Bobo, Mandel, C. Mitchell,
Mossburg, Kagan, Benson, Cryor, Rudolph, Valderrama, Patterson,
Moe, Cadden, Branch, Dembrow, Grosfeld, Menes, and Frush**

Introduced and read first time: February 13, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Housing - Discrimination Based on Source of Income - Prohibited**

3 FOR the purpose of prohibiting discriminatory practices in residential housing based
4 on source of income; defining "source of income"; providing that this Act is not
5 intended to cause or exacerbate poverty conditions in residential housing or to
6 prohibit a landlord or seller from establishing certain limits regarding the
7 accommodation of certain tenants or buyers in a residential housing complex;
8 and generally relating to prohibiting discriminatory practices in residential
9 housing based on source of income.

10 BY repealing and reenacting, with amendments,
11 Article 49B - Human Relations Commission
12 Section 19(a), 20(t), 22(a)(1) through (5), and 23
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article 49B - Human Relations Commission
17 Section 20(a)
18 Annotated Code of Maryland
19 (1994 Replacement Volume and 1997 Supplement)

20 BY adding to
21 Article 49B - Human Relations Commission
22 Section 20(u) and 21(k)
23 Annotated Code of Maryland
24 (1994 Replacement Volume and 1997 Supplement)

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

Article 49B - Human Relations Commission

19.

(a) It is the policy of the State of Maryland to provide for fair housing throughout the State of Maryland, to all its citizens, regardless of race, color, religion, sex, familial status, national origin, marital status, [or] handicap, OR SOURCE OF INCOME; and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity and general welfare of all the inhabitants of the State may be protected and insured.

20.

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

(t) "Restrictive covenants" means any specification limiting the transfer, rental, or lease of any dwelling because of race, color, religion, marital status, sex, familial status, handicap, [or] national origin, OR SOURCE OF INCOME.

(U) "SOURCE OF INCOME" MEANS ANY LAWFUL SOURCE OF MONEY PAID DIRECTLY OR INDIRECTLY TO A RENTER OR BUYER OF HOUSING, INCLUDING:

(1) ANY LAWFUL PROFESSION OR OCCUPATION;

(2) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, OR LOAN PROGRAM;

(3) ANY GIFT, INHERITANCE, PENSION, ANNUITY, ALIMONY, CHILD SUPPORT, OR OTHER CONSIDERATION OR BENEFIT; OR

(4) ANY SALE OR PLEDGE OF PROPERTY OR INTEREST IN PROPERTY.

21.

(K) (1) THE PROHIBITIONS IN THIS SUBTITLE AGAINST DISCRIMINATION BECAUSE OF SOURCE OF INCOME DO NOT PROHIBIT A PERSON FROM DETERMINING THE ABILITY OF A POTENTIAL BUYER OR RENTER TO PAY A PURCHASE PRICE OR PAY RENT BY:

(I) VERIFYING, IN A COMMERCIALY REASONABLE MANNER, THE SOURCE AND AMOUNT OF INCOME OF THE POTENTIAL BUYER OR RENTER; OR

(II) EVALUATING, IN A COMMERCIALY REASONABLE MANNER, THE STABILITY, SECURITY, AND CREDITWORTHINESS OF THE POTENTIAL BUYER OR RENTER OR ANY SOURCE OF INCOME OF THE POTENTIAL BUYER OR RENTER.

(2) THE PROHIBITIONS IN THIS SUBTITLE AGAINST DISCRIMINATION BECAUSE OF SOURCE OF INCOME DO NOT PREVENT A PERSON FROM REFUSING TO CONSIDER INCOME DERIVED FROM ANY CRIMINAL ACTIVITY.

1 22.

2 (a) Except as provided in § 21 of this subtitle, it is unlawful:

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

7 (2) To discriminate against any person in the terms, conditions, or
8 privileges of sale or rental of a dwelling, or in the provision of services or facilities in
9 connection with the sale or rental of a dwelling, because of race, color, religion, sex,
10 handicap, marital status, familial status, [or] national origin, OR SOURCE OF
11 INCOME;

12 (3) To make, print, or publish, or cause to be made, printed, or published
13 any notice, statement, or advertisement, with respect to the sale or rental of a
14 dwelling that indicates any preference, limitation, or discrimination based on race,
15 color, religion, sex, handicap, marital status, familial status, [or] national origin, OR
16 SOURCE OF INCOME, or an intention to make any preference, limitation, or
17 discrimination;

18 (4) To represent to any person because of race, color, religion, sex,
19 handicap, marital status, familial status, [or] national origin, OR SOURCE OF
20 INCOME that any dwelling is not available for inspection, sale, or rental when the
21 dwelling is in fact available;

22 (5) For profit, to induce or attempt to induce any person to sell or rent
23 any dwelling by representations regarding the entry or prospective entry into the
24 neighborhood of a person or persons of a particular race, color, religion, sex, handicap,
25 marital status, familial status, [or] national origin, OR SOURCE OF INCOME;

26 23.

27 (a) (1) It is unlawful for any person or other entity whose business includes
28 engaging in residential real estate related transactions to discriminate against any
29 person in making available a transaction, or in the terms or conditions of a
30 transaction, because of race, color, religion, sex, handicap, marital status, familial
31 status, [or] national origin, OR SOURCE OF INCOME.

32 (2) Nothing in paragraph (1) of this subsection prohibits a person
33 engaged in the business of furnishing appraisals of real property to take into
34 consideration factors other than race, color, religion, national origin, sex, handicap,
35 marital status, [or] familial status, OR SOURCE OF INCOME.

36 (b) It is unlawful, because of race, color, religion, sex, handicap, marital
37 status, familial status, [or] national origin, OR SOURCE OF INCOME, to deny a person
38 access to or membership or participation in a multiple-listing service, real estate
39 brokers' organization or other service, organization, or facility relating to the business

1 of selling or renting dwellings, or to discriminate against a person in the terms or
2 conditions of membership or participation.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is not intended to
4 lead to a concentration of poverty or exacerbate the concentration of poverty in rental
5 or owner-occupied residential housing in the State or to prohibit a landlord or seller
6 from establishing reasonable limits on the number of tenants or buyers receiving
7 government assistance who may be accommodated in a specific residential housing
8 complex.

9 SECTION 3. AND BE IT FURTHER ENACTED , That this Act shall take effect
10 October 1, 1998.