

SENATE BILL 484

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HB 650/99 - ECM

2002 Regular Session
2lr2336
CF 2lr1692

By: **Senators Kelley, Conway, Exum, Forehand, Hughes, McFadden,
Mitchell, Ruben, and Teitelbaum**

Introduced and read first time: February 1, 2002

Assigned to: Judicial Proceedings

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), and 23
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2001 Supplement)

15 BY adding to
16 Article 49B - Human Relations Commission
17 Section 20(v) and 21(k)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2001 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article 49B - Human Relations Commission
22 Section 20(a)
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2001 Supplement)

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

1 **Article 49B - Human Relations Commission**

2 19.

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

10 20.

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

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

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

18 (1) ANY LAWFUL PROFESSION OR OCCUPATION;

19 (2) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, OR LOAN
20 PROGRAM;21 (3) ANY GIFT, INHERITANCE, PENSION, ANNUITY, ALIMONY, CHILD
22 SUPPORT, OR OTHER CONSIDERATION OR BENEFIT; AND

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

24 21.

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

29 (I) VERIFYING, IN A COMMERCIALY REASONABLE MANNER, THE
30 SOURCE AND AMOUNT OF INCOME OF THE POTENTIAL BUYER OR RENTER; OR31 (II) EVALUATING, IN A COMMERCIALY REASONABLE MANNER,
32 THE STABILITY, SECURITY, AND CREDIT WORTHINESS OF THE POTENTIAL BUYER OR
33 RENTER OR ANY SOURCE OF INCOME OF THE POTENTIAL BUYER OR RENTER.34 (2) THE PROHIBITIONS IN THIS SUBTITLE AGAINST DISCRIMINATION
35 BASED ON SOURCE OF INCOME DO NOT PREVENT A PERSON FROM REFUSING TO
36 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, disability, marital status,
6 familial status, sexual orientation, [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 disability, marital status, familial status, sexual orientation, [or] national origin, OR
11 SOURCE OF 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, disability, marital status, familial status, sexual orientation, [or]
16 national origin, OR SOURCE OF INCOME or an intention to make any preference,
17 limitation, or discrimination;

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

27 (6) To discriminate in the sale or rental, or otherwise make unavailable
28 or deny, a dwelling to any buyer or renter because of a disability of:

29 (i) The buyer or renter; or

30 (ii) A person residing in or intending to reside in the dwelling after
31 it is so sold, rented, or made available;

32 (7) To discriminate against any person in the terms, conditions, or
33 privileges of sale or rental of a dwelling, or in the provision of services or facilities in
34 connection with the dwelling, because of a disability of:

35 (i) The person; or

36 (ii) A person residing in or intending to reside in the dwelling after
37 it is so sold, rented, or made available;

1 (8) To refuse to permit, at the expense of the person with a disability,
2 reasonable modifications of existing premises occupied or to be occupied by the
3 individual if:

4 (i) The modifications may be necessary to afford the person with a
5 disability full enjoyment of the dwelling; and

6 (ii) For a rental dwelling, the tenant agrees, at the tenant's
7 expense, to restore, reasonable wear and tear excepted, the interior of the dwelling to
8 the condition that existed before the modification on vacating the dwelling;

9 (9) To refuse to make reasonable accommodations in rules, policies,
10 practices, or services when the accommodations may be necessary to afford an
11 individual with a disability equal opportunity to use and enjoy a dwelling; or

12 (10) To fail to design or construct a covered multifamily dwelling for first
13 occupancy as required under subsection (b) of this section.

14 23.

15 (a) (1) It is unlawful for any person or other entity whose business includes
16 engaging in residential real estate related transactions to discriminate against any
17 person in making available a transaction, or in the terms or conditions of a
18 transaction, because of race, color, religion, sex, disability, marital status, familial
19 status, sexual orientation, [or] national origin, OR SOURCE OF INCOME.

20 (2) Nothing in paragraph (1) of this subsection prohibits a person
21 engaged in the business of furnishing appraisals of real property to take into
22 consideration factors other than race, color, religion, national origin, sex, disability,
23 marital status, sexual orientation, [or] familial status, OR SOURCE OF INCOME.

24 (b) It is unlawful, because of race, color, religion, sex, disability, marital
25 status, familial status, sexual orientation, [or] national origin, OR SOURCE OF
26 INCOME, to deny a person access to or membership or participation in a
27 multiple-listing service, real estate brokers' organization or other service,
28 organization, or facility relating to the business of selling or renting dwellings, or to
29 discriminate against a person in the terms or conditions of membership or
30 participation.

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

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 2002.