

# SENATE BILL 934

D5, C8  
HB 932/04 – ENV

71r3114

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By: **Senators Lenett, Britt, Conway, Jones, Muse, Pugh, Robey, and Rosapepe**  
Introduced and read first time: February 26, 2007  
Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Housing – Discrimination Based on Source of Income – Prohibitions**

3 FOR the purpose of altering the housing policy of the State to provide for fair housing  
4 to all citizens regardless of source of income; establishing certain qualifications  
5 and limitations on the general prohibition against discrimination in housing  
6 based on source of income; making it unlawful to refuse to sell or rent a  
7 dwelling to any person because of source of income; making it unlawful to  
8 discriminate against any person in the terms, conditions, or privileges of sale or  
9 rental of a dwelling because of source of income; making it unlawful for a person  
10 whose business includes engaging in residential real estate transactions to  
11 discriminate against any person in making available a transaction because of  
12 source of income; making it unlawful to discriminate against a person in the  
13 terms or conditions of membership or participation in an organization relating  
14 to the business of selling or renting dwellings based on source of income;  
15 making it unlawful, by force or threat of force, to willfully injure, intimidate, or  
16 interfere with any person because of source of income and because the person is  
17 negotiating for the sale or rental of any dwelling or participating in any service  
18 relating to the business of selling or renting dwellings; defining certain terms;  
19 and generally relating to prohibitions against discrimination in housing based  
20 on source of income.

21 BY repealing and reenacting, with amendments,  
22 Article 49B – Human Relations Commission  
23 Section 19(a), 20(t), 22(a), 23, and 37  
24 Annotated Code of Maryland  
25 (2003 Replacement Volume and 2006 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article 49B – Human Relations Commission  
3 Section 20(a)  
4 Annotated Code of Maryland  
5 (2003 Replacement Volume and 2006 Supplement)

6 BY adding to  
7 Article 49B – Human Relations Commission  
8 Section 20(v) and 21(k)  
9 Annotated Code of Maryland  
10 (2003 Replacement Volume and 2006 Supplement)

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

13 **Article 49B – Human Relations Commission**

14 19.

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

22 20.

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

24 (t) “Restrictive covenants” means any specification limiting the transfer,  
25 rental, or lease of any dwelling because of race, color, religion, marital status, sexual  
26 orientation, sex, familial status, disability, [or] national origin, **OR SOURCE OF**  
27 **INCOME**.

28 (v) **“SOURCE OF INCOME” MEANS ANY LAWFUL SOURCE OF MONEY PAID**  
29 **DIRECTLY OR INDIRECTLY TO A RENTER OR BUYER OF HOUSING, INCLUDING:**

30 (1) **ANY LAWFUL PROFESSION OR OCCUPATION;**

1           (2) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, LOAN,  
2 OR RENTAL ASSISTANCE PROGRAM, INCLUDING LOW-INCOME HOUSING  
3 ASSISTANCE CERTIFICATES AND VOUCHERS UNDER THE UNITED STATES  
4 HOUSING ACT OF 1937, 42 U.S.C. § 1437F;

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

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

9 21.

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

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

17                   (II) EVALUATING, IN A COMMERCIALY REASONABLE  
18 MANNER, THE STABILITY, SECURITY, AND CREDIT WORTHINESS OF THE  
19 POTENTIAL BUYER OR RENTER OR ANY SOURCE OF INCOME OF THE POTENTIAL  
20 BUYER OR RENTER.

21           (2) THE PROHIBITIONS IN THIS SUBTITLE AGAINST  
22 DISCRIMINATION BASED ON SOURCE OF INCOME DO NOT PREVENT A PERSON  
23 FROM REFUSING TO CONSIDER INCOME DERIVED FROM ANY CRIMINAL  
24 ACTIVITY.

25           (3) THE PROHIBITIONS IN THIS SUBTITLE AGAINST  
26 DISCRIMINATION BASED ON SOURCE OF INCOME DO NOT APPLY TO A LANDLORD  
27 WHO OWNS FOUR OR FEWER RENTAL UNITS IN THE STATE.

28           (4) (I) IN THIS PARAGRAPH, "ASSISTED RENTAL HOUSING  
29 DEVELOPMENT" MEANS A DEVELOPMENT CONSISTING OF FOUR OR MORE  
30 CONTIGUOUS RENTAL DWELLING UNITS IN WHICH 20% OR MORE OF THE

1 **DWELLING UNITS ARE RENTED OR MUST BE MADE AVAILABLE FOR RENT TO**  
2 **HOUSEHOLDS OF LOW INCOME UNDER A FEDERAL, STATE, OR LOCAL**  
3 **GOVERNMENT HOUSING ASSISTANCE PROGRAM.**

4 **(II) THE PROHIBITIONS IN THIS SUBTITLE AGAINST**  
5 **DISCRIMINATION BASED ON SOURCE OF INCOME DO NOT APPLY TO AN ASSISTED**  
6 **RENTAL HOUSING DEVELOPMENT.**

7 22.

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

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

13 (2) To discriminate against any person in the terms, conditions, or  
14 privileges of sale or rental of a dwelling, or in the provision of services or facilities in  
15 connection with the sale or rental of a dwelling, because of race, color, religion, sex,  
16 disability, marital status, familial status, sexual orientation, [or] national origin, **OR**  
17 **SOURCE OF INCOME;**

18 (3) To make, print, or publish, or cause to be made, printed, or  
19 published any notice, statement, or advertisement, with respect to the sale or rental of  
20 a dwelling that indicates any preference, limitation, or discrimination based on race,  
21 color, religion, sex, disability, marital status, familial status, sexual orientation, [or]  
22 national origin, **OR SOURCE OF INCOME**, or an intention to make any preference,  
23 limitation, or discrimination;

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

28 (5) For profit, to induce or attempt to induce any person to sell or rent  
29 any dwelling by representations regarding the entry or prospective entry into the  
30 neighborhood of a person or persons of a particular race, color, religion, sex, disability,  
31 marital status, familial status, sexual orientation, [or] national origin, **OR SOURCE**  
32 **OF INCOME;**

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

3           (i) The buyer or renter; or

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

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

9           (i) The person; or

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

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

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

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

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

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

25 23.

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

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

5           (b) It is unlawful, because of race, color, religion, sex, disability, marital  
6 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
7 **INCOME**, to deny a person access to or membership or participation in a  
8 multiple-listing service, real estate brokers' organization or other service,  
9 organization, or facility relating to the business of selling or renting dwellings, or to  
10 discriminate against a person in the terms or conditions of membership or  
11 participation.

12 37.

13           (a) Whether or not acting under color of law it is unlawful for any person, by  
14 force or threat of force, to willfully injure, intimidate, interfere with, or attempt to  
15 injure, intimidate, or interfere with:

16           (1) Any person because of race, color, religion, sex, disability, marital  
17 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
18 **INCOME** and because the person is or has been:

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

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

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

26                   (i) Participating without discrimination on account of race,  
27 color, religion, sex, disability, marital status, familial status, sexual orientation, [or]  
28 national origin, **OR SOURCE OF INCOME** in any of the activities, services,  
29 organizations, or facilities described in paragraph (1) of this subsection; or

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

1           (3) Any person because the person is or has been, or in order to  
2 discourage 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  
5 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
6 **INCOME**, in any of the activities, services, organizations, or facilities described in  
7 paragraph (1) of this subsection; or

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

11         (b) (1) Except as provided in paragraph (2) of this subsection, any person  
12 who is convicted of violating subsection (a) of this section shall be fined not more than  
13 \$1,000 or imprisoned not more than 1 year or both.

14           (2) A person who is convicted of violating subsection (a) of this section  
15 shall be:

16           (i) If the violation results in bodily injury, fined not more than  
17 \$10,000 or imprisoned not more than 10 years or both; or

18           (ii) If the violation results in death, subject to imprisonment for  
19 any term of years or for life.

20         SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2007.