

# HOUSE BILL 1261

D5, C8  
SB 934/07 – SRU

8lr2195

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By: **Delegates Hucker, Ali, Bobo, Cane, Carr, Frush, Glenn, Guzzone, Healey, Holmes, Nathan-Pulliam, Niemann, Reznik, and Taylor**

Introduced and read first time: February 8, 2008

Assigned to: Environmental Matters

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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 2007 Supplement)

26 BY repealing and reenacting, without amendments,  
27 Article 49B – Human Relations Commission  
28 Section 20(a)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2003 Replacement Volume and 2007 Supplement)

3 BY adding to  
4 Article 49B – Human Relations Commission  
5 Section 20(v) and 21(k)  
6 Annotated Code of Maryland  
7 (2003 Replacement Volume and 2007 Supplement)

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

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

11 19.

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

19 20.

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

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

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

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

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

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

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

3 21.

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

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

11                   (II) EVALUATING, IN A COMMERCIALY REASONABLE  
12 MANNER, THE STABILITY, SECURITY, AND CREDIT WORTHINESS OF THE  
13 POTENTIAL BUYER OR RENTER OR ANY SOURCE OF INCOME OF THE POTENTIAL  
14 BUYER OR RENTER.

15           (2) THE PROHIBITIONS IN THIS SUBTITLE AGAINST  
16 DISCRIMINATION BASED ON SOURCE OF INCOME DO NOT PREVENT A PERSON  
17 FROM REFUSING TO CONSIDER INCOME DERIVED FROM ANY CRIMINAL  
18 ACTIVITY.

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

22           (4) (I) IN THIS PARAGRAPH, "ASSISTED RENTAL HOUSING  
23 DEVELOPMENT" MEANS A DEVELOPMENT CONSISTING OF FOUR OR MORE  
24 CONTIGUOUS RENTAL DWELLING UNITS IN WHICH 20% OR MORE OF THE  
25 DWELLING UNITS ARE RENTED OR MUST BE MADE AVAILABLE FOR RENT TO  
26 HOUSEHOLDS OF LOW INCOME UNDER A FEDERAL, STATE, OR LOCAL  
27 GOVERNMENT HOUSING ASSISTANCE PROGRAM.

28                   (II) THE PROHIBITIONS IN THIS SUBTITLE AGAINST  
29 DISCRIMINATION BASED ON SOURCE OF INCOME DO NOT APPLY TO AN ASSISTED  
30 RENTAL HOUSING DEVELOPMENT.

31 22.

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

33                   (1) To refuse to sell or rent after the making of a bona fide offer, or to  
34 refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a

1 dwelling to any person because of race, color, religion, sex, disability, marital status,  
2 familial status, sexual orientation, [or] national origin, **OR SOURCE OF INCOME**;

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

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

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

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

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

25 (i) The buyer or renter; or

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

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

31 (i) The person; or

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

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

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

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

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

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

11 23.

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

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

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

28 37.

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

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

1 (i) Selling, purchasing, renting, financing, occupying, or  
2 contracting or negotiating for the sale, purchase, rental, financing, or occupation of  
3 any dwelling; or

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

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

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

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

15 (3) Any person because the person is or has been, or in order to  
16 discourage the person or any other person from:

17 (i) Lawfully aiding or encouraging other persons to participate,  
18 without discrimination on account of race, color, religion, sex, disability, marital  
19 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
20 **INCOME**, in any of the activities, services, organizations, or facilities described in  
21 paragraph (1) of this subsection; or

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

25 (b) (1) Except as provided in paragraph (2) of this subsection, any person  
26 who is convicted of violating subsection (a) of this section shall be fined not more than  
27 \$1,000 or imprisoned not more than 1 year or both.

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

30 (i) If the violation results in bodily injury, fined not more than  
31 \$10,000 or imprisoned not more than 10 years or both; or

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2008.

