

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1261 (Delegate Hucker, *et al.*)
Environmental Matters

Housing - Discrimination Based on Source of Income - Prohibitions

This bill prohibits discriminatory practice in the sale or rental of a dwelling because of a person's source of income.

Fiscal Summary

State Effect: None. Any additional workload for the Department of Housing and Community Development and the Human Relations Commission could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill prohibits taking the following actions because of a person's source of income: (1) refusing to sell or rent a dwelling after making a bona fide offer; (2) refusing to negotiate for the sale or rental of a dwelling; (3) making a dwelling otherwise unavailable; (4) discriminating in the terms, conditions, or privileges of sale or rental of a dwelling; (5) discriminating in the provision of services or facilities in connection with the sale or rental of a dwelling; (6) making, printing, or publishing or causing to be made, printed, or published any notice, statement, or advertisement with respect to a dwelling that indicates a preference, limitation, or discrimination based on source of income; (7) representing to a person that a dwelling is not available for inspection, sale, or rental when it is available; and (8) for profit, inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry or

prospective entry into the neighborhood of a person or persons with a particular source of income.

The bill does not prohibit a person from determining a potential buyer's or renter's ability to pay a purchase price or rent by: (1) verifying that person's source and amount of income; or (2) evaluating that person's stability, security, and credit worthiness, or evaluating any source of income of the potential buyer or renter. The bill's prohibitions do not prevent a person from refusing to consider income derived from any criminal activity. Landlords who own four or fewer rental units in the State and an "assisted rental housing development" are also exempt from the bill's prohibitions.

The bill prohibits a person whose business includes engaging in residential real estate related transactions from discriminating against a person in making available a transaction, or in the terms or conditions of a transaction, because of the person's source of income. However, a real estate appraiser may take into consideration factors other than source of income.

The bill prohibits a person from, because of a person's source of income, denying that person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against a person in the terms or conditions of membership or participation.

The bill also prohibits any person, whether or not acting under color of law, by force or threat of force, to willfully inquire, intimidate, or interfere with a person's activities related to the sale, purchase, or occupation of a dwelling, or an attempt to do so.

Under the bill, a "source of income" is 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, loan, or rental assistance program; (3) any gift, inheritance, pension, annuity, alimony, child support, or other consideration or benefit; and (4) any sale or pledge of property or interest in property.

Current Law: Housing discrimination because of race, sex, creed, color, religion, national origin, marital status, and physical or mental handicap is prohibited. Chapter 340 of 2001 added sexual orientation to this list of prohibited forms of discrimination. There is no provision prohibiting housing discrimination based on source of income.

Background: The Maryland Human Relations Commission advises that it averages 100 complaints of discrimination in housing per year.

Additional Information

Prior Introductions: SB 934 of 2007, an identical bill, did not receive a hearing. HB 932 of 2004, an identical bill, received an unfavorable report from Environmental Matters. HB 853 of 2003, an identical bill, received an unfavorable report from Environmental Matters.

Cross File: None.

Information Source(s): Department of Human Resources, Human Relations Commission, Department of Housing and Community Development, Department of Legislative Services

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