

Department of Legislative Services

Maryland General Assembly

2009 Session

FISCAL AND POLICY NOTE

House Bill 690

(Delegate Rosenberg, *et al.*)

Environmental Matters

Human Relations - Discrimination in Housing - Reasonable Accommodations for Religious Practices

This bill prohibits a person from refusing to make reasonable accommodations for religious practices in rules, policies, practices, or services when the accommodations may be necessary to afford an individual equal opportunity to use and enjoy a covered multifamily dwelling. A covered multifamily dwelling means a building consisting of four or more units, if the building has one or more elevators or a ground floor unit in a building consisting of four or more units, if the building has no elevator. A covered multifamily dwelling includes an apartment building or condominium. The bill's prohibitions are subject to certain established exceptions regarding housing discrimination. A person is not required to make accommodations that would pose an undue hardship on the operation of a covered multifamily dwelling.

Fiscal Summary

State Effect: None. Any potential increase in the workload of the Maryland Human Relations Commission can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: No existing federal or State law specifically ensures reasonable accommodations for religious practices in the operation of a covered multifamily dwelling.

Under Title 20, Subtitle 7 of the State Government Article, housing discrimination because of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, or disability is prohibited in the sale or rental of a dwelling, with certain exceptions for religious organizations and private clubs. Prohibitions against housing discrimination do not apply to single-family dwellings sold or rented without advertisement or third-party involvement. The prohibitions against housing discrimination do not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.

Background: Various federal and state laws unrelated to housing provide similar protections. For example, Title VII of the Civil Rights Act of 1964 requires an employer to reasonably accommodate an employee's religious practice, unless such measures would cause the employer an undue hardship. Maryland law also provides that it is unlawful to refuse to make reasonable accommodations that may be necessary for individuals with a disability to use and enjoy a dwelling. (*See* State Government Article § 20-706.)

In defining what constitutes a "reasonable accommodation," Maryland courts generally look to interpretations of the Americans with Disabilities Act and the Rehabilitation Act of 1973. *Solberg v. Majerle Management*, 388 Md. 281, 295 (2005). The *Solberg* decision reiterates that cases examining reasonable accommodations are generally very fact-specific and must take into account "the cost and burdens of any requested accommodation."

Additional Information

Prior Introductions: HB 618 received a hearing in the House Environmental Matters Committee, but no further action was taken.

Cross File: SB 730 (Senator Raskin) - Judicial Proceedings.

Information Source(s): Department of Housing and Community Development, Human Relations Commission, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2009
ncs/kdm

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