

# SENATE BILL 243

D5, C8

0lr1669  
CF 0lr1582

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By: **Senator Gladden**

Introduced and read first time: January 22, 2010

Assigned to: Judicial Proceedings

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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; prohibiting a person from refusing  
5 to sell or rent a dwelling to any person because of source of income; prohibiting  
6 a person from discriminating against any person in the terms, conditions, or  
7 privileges of sale or rental of a dwelling because of source of income; prohibiting  
8 a person from making, printing, or publishing certain types of materials with  
9 respect to the sale or rental of a dwelling that indicate a preference, limitation,  
10 or discrimination on the basis of source of income; prohibiting a person from  
11 falsely representing that a dwelling is not available for inspection, sale, or  
12 rental based on source of income; prohibiting a person from, for profit, inducing  
13 or attempting to induce a person to sell or rent a dwelling by making certain  
14 representations relating to the entry or prospective entry into the neighborhood  
15 of a person of a particular source of income; prohibiting a person whose business  
16 includes engaging in residential real estate transactions from discriminating  
17 against any person in making available a transaction, or in the terms or  
18 conditions of a transaction, because of source of income; prohibiting a person,  
19 based on source of income, from denying a person access to or membership or  
20 participation in a service, organization, or facility relating to the business of  
21 selling or renting dwellings, or to discriminate against a person in the terms or  
22 conditions of membership; prohibiting a person from, by force or threat of force,  
23 willfully injuring, intimidating, or interfering with any person because of source  
24 of income and because the person is negotiating for the sale or rental of any  
25 dwelling or participating in any service relating to the business of selling or  
26 renting dwellings; defining a certain term; and generally relating to prohibitions  
27 against discrimination in housing based on source of income.

28 BY repealing and reenacting, without amendments,  
29 Article – State Government  
30 Section 20–701(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 (2009 Replacement Volume)

3 BY adding to  
4 Article – State Government  
5 Section 20–701(j)  
6 Annotated Code of Maryland  
7 (2009 Replacement Volume)

8 BY repealing and reenacting, with amendments,  
9 Article – State Government  
10 Section 20–702(a), 20–705, 20–707, and 20–1103  
11 Annotated Code of Maryland  
12 (2009 Replacement Volume)

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

15 **Article – State Government**

16 20–701.

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

18 **(J) “SOURCE OF INCOME” MEANS ANY LAWFUL SOURCE OF MONEY PAID**  
19 **DIRECTLY OR INDIRECTLY TO A RENTER OR BUYER OF HOUSING, INCLUDING**  
20 **ANY:**

21 **(1) LAWFUL PROFESSION OR OCCUPATION;**

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

26 **(3) GIFT, INHERITANCE, PENSION, ANNUITY, ALIMONY, CHILD**  
27 **SUPPORT, OR OTHER CONSIDERATION OR BENEFIT; AND**

28 **(4) SALE OR PLEDGE OF PROPERTY OR INTEREST IN PROPERTY.**

29 20–702.

30 (a) It is the policy of the State:

1 (1) to provide for fair housing throughout the State to all, regardless of  
2 race, color, religion, sex, familial status, national origin, marital status, sexual  
3 orientation, [or] disability, **OR SOURCE OF INCOME**; and

4 (2) to that end, to prohibit discriminatory practices with respect to  
5 residential housing by any person, in order to protect and insure the peace, health,  
6 safety, prosperity, and general welfare of all.

7 20–705.

8 Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

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

13 (2) discriminate against any person in the terms, conditions, or  
14 privileges of the sale or rental of a dwelling, or in the provision of services or facilities  
15 in 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) make, print, or publish, or cause to be made, printed, or published,  
19 any notice, statement, or advertisement with respect to the sale or rental of a dwelling  
20 that indicates any preference, limitation, or discrimination based on race, color,  
21 religion, sex, disability, marital status, familial status, sexual orientation, [or]  
22 national origin, **OR SOURCE OR INCOME**, or an intention to make any preference,  
23 limitation, or discrimination;

24 (4) 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 available; or

28 (5) for profit, 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 of a particular race, color, religion, sex, disability, marital  
31 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
32 **INCOME**.

33 20–707.

34 (a) In this section, “residential real estate–related transaction” means:

35 (1) the making or purchasing of loans or providing other financial  
36 assistance:

1 (i) for purchasing, constructing, improving, repairing, or  
2 maintaining a dwelling; or

3 (ii) secured by residential real estate; or

4 (2) the selling, brokering, or appraising of residential real property.

5 (b) (1) A person whose business includes engaging in residential real  
6 estate-related transactions may not discriminate against any person in making  
7 available a transaction, or in the terms or conditions of a transaction, because of race,  
8 color, religion, sex, disability, marital status, familial status, sexual orientation, [or]  
9 national origin, **OR SOURCE OF INCOME**.

10 (2) Paragraph (1) of this subsection does not prohibit a person engaged  
11 in the business of furnishing appraisals of real property from taking into consideration  
12 factors other than race, color, religion, sex, disability, marital status, familial status,  
13 sexual orientation, [or] national origin, **OR SOURCE OF INCOME**.

14 (c) A person may not, because of race, color, religion, sex, disability, marital  
15 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
16 **INCOME**:

17 (1) deny a person access to, or membership or participation in, a  
18 multiple-listing service, real estate brokers' organization, or other service,  
19 organization, or facility relating to the business of selling or renting dwellings; or

20 (2) discriminate against a person in the terms or conditions of  
21 membership or participation.

22 20-1103.

23 (a) In this section, "disability", "dwelling", "familial status", "marital status",  
24 [and] "rent", **AND "SOURCE OF INCOME"** have the meanings stated in § 20-701 of  
25 this title.

26 (b) Whether or not acting under color of law, a person may not, by force or  
27 threat of force, willfully injure, intimidate, interfere with, or attempt to injure,  
28 intimidate, or interfere with:

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

32 (i) selling, purchasing, renting, financing, occupying, or  
33 contracting or negotiating for the sale, purchase, rental, financing, or occupation of  
34 any dwelling; or

1                   (ii) applying for or participating in any service, organization, or  
2 facility relating to the business of selling or renting dwellings;

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

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

9                   (ii) affording another person or class of persons the opportunity  
10 or protection to participate in any of the activities, services, organizations, or facilities  
11 described in item (1) of this subsection; or

12                   (3) any person because the person is or has been, or in order to  
13 discourage the person or any other person from:

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

19                   (ii) participating lawfully in speech or peaceful assembly  
20 opposing any denial of the opportunity to participate in any of the activities, services,  
21 organizations, or facilities described in item (1) of this subsection.

22                   (c) A person who violates this section is guilty of a misdemeanor and on  
23 conviction is subject to:

24                   (1) imprisonment not exceeding 1 year or a fine not exceeding \$1,000  
25 or both;

26                   (2) if the violation results in bodily injury, imprisonment not  
27 exceeding 10 years or a fine not exceeding \$10,000 or both; or

28                   (3) if the violation results in death, imprisonment not exceeding life.

29                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2010.