

**HB0172/610419/1**

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 172  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “income;” insert “requiring a certain public housing agency to develop and make available a certain list of certain zip codes; providing that certain provisions of law do not apply to the rental of a dwelling unit located in a certain zip code;”; in line 16, after “income;” insert “requiring the owner of an apartment complex to rent or make available for rent a certain percentage of the units to persons who receive certain low-income housing assistance; establishing that the rental of a certain percentage of units in an apartment complex to certain persons is an affirmative defense in a certain action for discrimination based on source of income; prohibiting a person from claiming a certain affirmative defense unless the person within a certain time period has filed a certain certificate indicating the percentage of units in an apartment complex that are rented or made available to certain persons; requiring the Department of Housing and Community Development to establish a form and procedures for completing a certain certificate; requiring the Department and all public housing agencies to maintain certain records;”; and in line 27, strike “a certain term” and substitute “certain terms; providing for the application of this Act”.

On page 2, after line 5, insert:

“BY adding to

Article - State Government

Section 20-704.1 and 20-705.1

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)”.

AMENDMENT NO. 2

On page 3, after line 24, insert:

(Over)

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**“(G) “HOUSING ASSISTANCE VOUCHER” MEANS A LOW-INCOME HOUSING ASSISTANCE VOUCHER OR CERTIFICATE ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937.”;**

and in line 25, strike “(g)” and substitute “**(H)**”.

On page 4, in lines 5, 7, and 9, strike “(h)”, “(i)”, and “**(J)**”, respectively, and substitute “**(I)**”, “**(J)**”, and “**(K)**”, respectively.

On page 5, strike beginning with “IF” in line 18 down through “ASSISTANCE” in line 19.

On page 6, after line 18, insert:

**“(D) (1) IN THIS SUBSECTION, “PUBLIC HOUSING AGENCY” MEANS A PUBLIC HOUSING AGENCY IN A JURISDICTION IN THE STATE THAT HAS MORE THAN 100,000 TENANT-OCCUPIED DWELLING UNITS BASED ON THE MOST RECENT AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATE PUBLISHED BY THE UNITED STATES CENSUS BUREAU.**

**(2) EACH PUBLIC HOUSING AGENCY SHALL DEVELOP ANNUALLY AND MAKE AVAILABLE UNDER THE PUBLIC INFORMATION ACT A LIST OF THE ZIP CODES IN THE JURISDICTION OF THE PUBLIC HOUSING AGENCY IN WHICH AT LEAST 6% OF THE TOTAL NUMBER OF HOUSING ASSISTANCE VOUCHERS ADMINISTERED BY THE PUBLIC HOUSING AGENCY ARE USED.**

**(3) THE PROVISIONS IN THIS SUBTITLE CONCERNING DISCRIMINATION ON THE BASIS OF SOURCE OF INCOME DO NOT APPLY TO THE RENTAL OF A DWELLING UNIT LOCATED IN A ZIP CODE THAT IS INCLUDED ON A**

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LIST DEVELOPED BY A PUBLIC HOUSING AGENCY IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.”;

before line 19, insert:

“20-704.1.”;

and in line 19, strike “(D)”.

AMENDMENT NO. 3

On page 7, after line 19, insert:

“20-705.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “APARTMENT COMPLEX” MEANS:

(I) A DWELLING WITH SEVEN OR MORE UNITS; OR

(II) A GROUP OF CONTIGUOUS DWELLINGS THAT IS OWNED OR MANAGED BY THE SAME PERSON.

(3) “DEPARTMENT” MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(B) THE OWNER OF AN APARTMENT COMPLEX SHALL RENT OR MAKE AVAILABLE FOR RENT 15% OF THE UNITS IN THE APARTMENT COMPLEX.

(Over)

ROUNDED DOWN TO THE NEAREST WHOLE NUMBER, TO PERSONS WHO RECEIVE HOUSING ASSISTANCE VOUCHERS.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN AN ACTION BROUGHT UNDER § 20-705 OF THIS SUBTITLE FOR ALLEGED DISCRIMINATION BASED ON SOURCE OF INCOME IN THE RENTAL OF A UNIT IN AN APARTMENT COMPLEX, IT SHALL BE AN AFFIRMATIVE DEFENSE IF 15% OF THE UNITS IN THE APARTMENT COMPLEX, ROUNDED DOWN TO THE NEAREST WHOLE NUMBER, ARE RENTED TO PERSONS WHO RECEIVE HOUSING ASSISTANCE VOUCHERS.

(2) A PERSON MAY NOT CLAIM AN AFFIRMATIVE DEFENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE PERSON HAS FILED WITHIN THE IMMEDIATELY PRECEDING 12 MONTHS WITH THE PUBLIC HOUSING AGENCY FOR THE JURISDICTION IN WHICH THE APARTMENT COMPLEX IS LOCATED OR, IF APPROPRIATE, THE DEPARTMENT, A CERTIFICATE AS SPECIFIED UNDER SUBSECTION (D) OF THIS SECTION.

(D) THE DEPARTMENT SHALL ESTABLISH A FORM AND PROCEDURES FOR COMPLETING A CERTIFICATE THAT INDICATES THE PERCENTAGE OF UNITS IN AN APARTMENT COMPLEX THAT ARE RENTED OR MADE AVAILABLE FOR RENT TO PERSONS WHO RECEIVE HOUSING ASSISTANCE VOUCHERS.

(E) THE DEPARTMENT AND ALL PUBLIC HOUSING AGENCIES SHALL MAINTAIN RECORDS OF CERTIFICATES FILED IN ACCORDANCE WITH THIS SECTION.

(F) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING JURISDICTIONS AS LONG AS THE JURISDICTION DOES NOT WEAKEN THE PROTECTIONS AGAINST DISCRIMINATION BASED ON SOURCE OF INCOME IN THE

**RENTAL OF A DWELLING IN ITS LOCAL LAWS OR REGULATIONS AS THOSE LOCAL  
LAWS OR REGULATIONS EXIST ON OCTOBER 1, 2017:**

- (1) CITY OF ANNAPOLIS;**
- (2) CITY OF FREDERICK;**
- (3) FREDERICK COUNTY;**
- (4) HOWARD COUNTY; AND**
- (5) MONTGOMERY COUNTY.”.**