

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 826 (Howard County Delegation)  
Economic Matters and Ways and Means

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**Howard County – Residential Property and New Home Construction**  
**Advertisements – School District Information Ho. Co. 02–20**

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This bill specifies that a licensed real estate broker, associate real estate broker, or real estate sales person who includes, in an advertisement for the sale or rental of a residential property in Howard County, the name of the school or school district in which the residential property is located must also include a notice in conspicuous type setting stating that school boundaries are not guaranteed and may change at any time. Similarly, a registered home builder or registered home builder sales representative must include the same notice in an advertisement for the construction of a new home in Howard County that includes the name of the school or school district in which the new home is located. The State Real Estate Commission and the Home Builder and Home Builder Sales Representative Registration Unit (HBRU) within the Consumer Protection Division of the Office of the Attorney General must enforce the bill’s provisions as they apply to licensed real estate professionals and registered home builders and home builder sales representatives, respectively.

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**Fiscal Summary**

**State Effect:** None. Enforcement of the bill’s provisions can be handled with existing resources. Expanded application of existing monetary penalties is not expected to materially affect general fund revenues.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The purpose of the bill's provisions is to prohibit certain discriminatory real estate practices with respect to housing in Howard County to:

- ensure fair and equal real estate housing practices for all of its residents, regardless of race, color, religion, sex, marital status, national origin, or disability, as defined under State law;
- provide fair and equal real estate housing opportunities for all of its residents, regardless of race, color, religion, sex, marital status, national origin, or disability;
- ensure fair and equal real estate housing practices and provide fair and equal real estate housing opportunities for individuals who are at least 62 years of age; and
- protect and ensure the peace, health, safety, prosperity, and general welfare of all residents of Howard County.

The State Real Estate Commission and HBRU may receive complaints, conduct investigations, issue subpoenas, and hold hearings for purposes of enforcing the bill's provisions.

### **Current Law:**

#### *Discrimination in Housing*

It is the policy of the State to (1) provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, or disability. As such, discriminatory practices with respect to residential housing by any person are prohibited, as specified.

Discriminatory housing practices include (1) the refusal to rent, sell, or otherwise make available a dwelling; (2) discrimination with regard to terms or conditions of sale or rentals of dwellings; and (3) discrimination with regard to the making or purchasing of loans or providing other financial assistance. Prohibited practices also include retaliation, coercion, intimidation, or threats because a person exercises the rights and protections granted by State law to prevent discrimination. A person claiming to have been injured by a discriminatory housing practice may file a complaint with the Maryland Commission on Civil Rights or file a civil action in circuit court.

### *State Real Estate Commission*

A person generally must be licensed by the State Real Estate Commission to act as a real estate broker, associate real estate broker, or real estate salesperson in the State. The commission is responsible for enforcing the laws governing real estate professionals in the State and may take disciplinary action and/or impose a fine of up to \$5,000 for violations.

A licensed real estate professional may not advertise unless (1) the name or designated name of the licensed real estate professional, as it appears on the license certificate and pocket card issued by the State Real Estate Commission, is meaningfully and conspicuously included in the advertisement and (2) the name of the business with which the licensed real estate professional is affiliated is meaningfully and conspicuously included in the advertisement and is the full name of the business (not a logo used by the business). "Advertisement," as it applies to advertising by licensed real estate professionals, means, unless the context requires otherwise, any oral, written, or printed media advertisement.

State law establishes special provisions pertaining to discriminatory real estate practices in Baltimore City and Montgomery County.

### *Home Builder Registration Act*

Under the Home Builder Registration Act, a person generally may not act as home builder or home builder sales representative in the State unless the person is registered with HBRU. A person may not advertise in any way that the person is registered under the Act unless the advertisement states the person's home builder registration number, as specified. A person who violates the Act is subject to specified civil or criminal penalties.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Howard County; Maryland Department of Labor; Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2020  
mr/mcr

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