

SENATE BILL 875

D5, N1

2lr0347
CF HB 928

By: ~~Senator Waldstreicher~~ Senators Waldstreicher and Lee

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2022

CHAPTER _____

1 AN ACT concerning

2 **Discrimination in Housing – Citizenship, Immigration Status, and National**
3 **Origin**

4 FOR the purpose of stating the policy of the State to provide fair housing, regardless of
5 certain citizenship or immigration status; prohibiting certain discrimination related
6 to the sale or rental of a dwelling on the basis of citizenship or immigration status,
7 subject to certain exceptions; prohibiting certain inquiries and disclosures relating
8 to a person’s citizenship, immigration status, or national origin in connection with
9 the rental of a dwelling; and generally relating to discriminatory housing practices.

10 BY repealing and reenacting, without amendments,

11 Article – State Government
12 Section 20–701(a) and 20–1020(a)
13 Annotated Code of Maryland
14 (2021 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article – State Government
17 Section 20–701(c), 20–702, 20–705, 20–707, 20–901, 20–1020(e), and 20–1103
18 Annotated Code of Maryland
19 (2021 Replacement Volume)

20 BY adding to

21 Article – State Government
22 Section 20–701(a–1), (f–1), and (h–1) and 20–708.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2021 Replacement Volume)

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

5 **Article – State Government**

6 20–701.

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

8 **(A–1) “CITIZENSHIP” MEANS THE ACTUAL OR PERCEIVED CITIZENSHIP OF A**
9 **PERSON.**

10 (c) “Discriminatory housing practice” means an act that is prohibited under §
11 20–705, § 20–706, § 20–707, [or] § 20–708, **OR § 20–708.1** of this subtitle.

12 **(F–1) “IMMIGRATION STATUS” MEANS THE ACTUAL OR PERCEIVED**
13 **IMMIGRATION STATUS OF A PERSON.**

14 **(H–1) (1) “NATIONAL ORIGIN” MEANS THE ACTUAL OR PERCEIVED**
15 **COUNTRY OR GEOGRAPHIC AREA OF ORIGIN OF A PERSON OR THE ANCESTORS OF A**
16 **PERSON.**

17 **(2) “NATIONAL ORIGIN” INCLUDES THE BIRTHPLACE, ETHNICITY,**
18 **ANCESTRY, NAME, CULTURE, AND LANGUAGE OF A PERSON OR THE ANCESTORS OF**
19 **A PERSON.**

20 20–702.

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

22 (1) to provide for fair housing throughout the State to all, regardless of
23 race, color, religion, sex, familial status, **CITIZENSHIP, IMMIGRATION STATUS**, national
24 origin, marital status, sexual orientation, gender identity, disability, or source of income;
25 and

26 (2) to that end, to prohibit discriminatory practices with respect to
27 residential housing by any person, in order to protect and ensure the peace, health, safety,
28 prosperity, and general welfare of all.

29 (b) This subtitle:

30 (1) is an exercise of the police power of the State for the protection of the
31 people of the State; and

1 (2) shall be administered and enforced by the Commission and, as provided
2 in this title, enforced by the appropriate State court.

3 20–705.

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

5 (1) refuse to sell or rent after the making of a bona fide offer, refuse to
6 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any
7 person because of race, color, religion, sex, disability, marital status, familial status, sexual
8 orientation, gender identity, **CITIZENSHIP, IMMIGRATION STATUS**, national origin, or
9 source of income;

10 (2) discriminate against any person in the terms, conditions, or privileges
11 of the sale or rental of a dwelling, or in the provision of services or facilities in connection
12 with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital
13 status, familial status, sexual orientation, gender identity, **CITIZENSHIP, IMMIGRATION**
14 **STATUS**, national origin, or source of income;

15 (3) make, print, or publish, or cause to be made, printed, or published, any
16 notice, statement, or advertisement with respect to the sale or rental of a dwelling that
17 indicates any preference, limitation, or discrimination based on race, color, religion, sex,
18 disability, marital status, familial status, sexual orientation, gender identity,
19 **CITIZENSHIP, IMMIGRATION STATUS**, national origin, or source of income, or an intention
20 to make any preference, limitation, or discrimination;

21 (4) represent to any person, because of race, color, religion, sex, disability,
22 marital status, familial status, sexual orientation, gender identity, **CITIZENSHIP,**
23 **IMMIGRATION STATUS**, national origin, or source of income, that any dwelling is not
24 available for inspection, sale, or rental when the dwelling is available; or

25 (5) for profit, induce or attempt to induce any person to sell or rent any
26 dwelling by representations regarding the entry or prospective entry into the neighborhood
27 of a person of a particular race, color, religion, sex, disability, marital status, familial status,
28 sexual orientation, gender identity, **CITIZENSHIP, IMMIGRATION STATUS**, national
29 origin, or source of income.

30 20–707.

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

32 (1) the making or purchasing of loans or providing other financial
33 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 available
7 a transaction, or in the terms or conditions of a transaction, because of race, color, religion,
8 sex, disability, marital status, familial status, sexual orientation, gender identity,
9 **CITIZENSHIP, IMMIGRATION STATUS**, national origin, or source of income.

10 (2) Paragraph (1) of this subsection does not prohibit a person engaged in
11 the business of furnishing appraisals of real property from taking into consideration factors
12 other than race, color, religion, sex, disability, marital status, familial status, sexual
13 orientation, gender identity, **CITIZENSHIP, IMMIGRATION STATUS**, national origin, or
14 source of income.

15 (c) A person may not, because of race, color, religion, sex, disability, marital
16 status, familial status, sexual orientation, gender identity, **CITIZENSHIP, IMMIGRATION**
17 **STATUS**, national origin, or source of income:

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

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

23 **20-708.1.**

24 (A) **UNLESS SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW OR**
25 **COURT ORDER, IN CONNECTION WITH THE RENTAL OF A DWELLING, A PERSON MAY**
26 **NOT:**

27 (1) **INQUIRE ABOUT A PERSON'S CITIZENSHIP, IMMIGRATION STATUS,**
28 **OR NATIONAL ORIGIN; OR**

29 (2) **DISCLOSE OR THREATEN TO DISCLOSE INFORMATION REGARDING**
30 **A PERSON'S ~~ACTUAL OR PERCEIVED~~ CITIZENSHIP, IMMIGRATION STATUS, OR**
31 **NATIONAL ORIGIN TO ANY OTHER PERSON, INCLUDING AN IMMIGRATION**
32 **AUTHORITY OR A LAW ENFORCEMENT AGENCY.**

33 (B) **THIS SECTION DOES NOT PROHIBIT A PERSON FROM:**

1 **(1) COMPLYING WITH A LEGAL OBLIGATION OR ACTING PURSUANT TO**
2 **A CONDITION FOR FUNDING UNDER A FEDERAL, STATE, OR LOCAL GOVERNMENT**
3 **PROGRAM;**

4 **(2) REQUESTING INFORMATION OR DOCUMENTATION AS PART OF A**
5 **STANDARD RENTAL PRACTICE TO VERIFY THE FINANCIAL QUALIFICATIONS OR**
6 **IDENTITY OF A POTENTIAL RENTER IF THE SAME INFORMATION OR**
7 **DOCUMENTATION IS REQUESTED OF EVERY POTENTIAL RENTER; ~~OR~~**

8 **(3) PROVIDING NOTICE TO A RENTER REGARDING CONDUCT BY THE**
9 **RENTER THAT MAY VIOLATE AN APPLICABLE RENTAL AGREEMENT OR LAW OR**
10 **REGULATION; OR**

11 **(4) RESPONDING TO AN INQUIRY FROM A LAW ENFORCEMENT**
12 **AGENCY THAT IS PART OF A CRIMINAL INVESTIGATION.**

13 20-901.

14 (a) Except as provided in subsection (b) of this section, a unit, officer, or employee
15 of the State, a county, or a municipal corporation may not engage in a discriminatory act
16 prohibited by § 20-304, § 20-606, § 20-705, § 20-706, § 20-707, [or] § 20-708, **OR §**
17 **20-708.1** of this title.

18 (b) Sections 20-304, 20-705, [and] 20-706, **AND 20-708.1** of this title do not
19 prohibit the State, a county, or a municipality from:

20 (1) providing separate facilities for males and females in
21 government-owned or government-operated public institutions; or

22 (2) operating or funding special or separate programs and facilities for
23 children, seniors, or other special populations.

24 20-1020.

25 (a) In this part the following words have the meanings indicated.

26 (e) “Discriminatory housing practice” means an act that is prohibited under §
27 20-705, § 20-706, § 20-707, [or] § 20-708, **OR § 20-708.1** of this title.

28 20-1103.

29 (a) In this section, **“CITIZENSHIP”**, “disability”, “dwelling”, “familial status”,
30 **“IMMIGRATION STATUS”**, “marital status”, **“NATIONAL ORIGIN”**, “rent”, and “source of
31 income” have the meanings stated in § 20-701 of this title.

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

4 (1) any person because of race, color, religion, sex, disability, marital
5 status, familial status, sexual orientation, gender identity, **CITIZENSHIP, IMMIGRATION**
6 **STATUS**, national origin, or source of income and because the person is or has been:

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

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

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

13 (i) participating, without discrimination on account of race, color,
14 religion, sex, disability, marital status, familial status, sexual orientation, gender identity,
15 **CITIZENSHIP, IMMIGRATION STATUS**, national origin, or source of income, in any of the
16 activities, services, organizations, or facilities described in item (1) of this subsection; or

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

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

22 (i) lawfully aiding or encouraging other persons to participate,
23 without discrimination on account of race, color, religion, sex, disability, marital status,
24 familial status, sexual orientation, gender identity, **CITIZENSHIP, IMMIGRATION**
25 **STATUS**, national origin, or source of income, in any of the activities, services,
26 organizations, or facilities described in item (1) of this subsection; or

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

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

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

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

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

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.