

HOUSE BILL 1293

D5, N1

3lr2946

By: **Delegate Addison**

Introduced and read first time: February 28, 2023

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Discrimination in Housing – Consumer Credit History**

3 FOR the purpose of prohibiting the inclusion of a consumer credit history in a reusable
4 tenant screening report; expanding the fair housing policy of the State to provide
5 housing to all citizens regardless of consumer credit history; and generally relating
6 to prohibitions against discrimination in housing based on consumer credit history.

7 BY repealing and reenacting, with amendments,
8 Article – Real Property
9 Section 8–218
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 20–701, 20–702, 20–704, 20–705, 20–707, and 20–1103
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2022 Supplement)

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

19 **Article – Real Property**

20 8–218.

21 (a) **(1)** In this section[, “reusable”] **THE FOLLOWING WORDS HAVE THE**
22 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) (I) “CONSUMER CREDIT HISTORY” MEANS ANY WRITTEN**
2 **ACCOUNT BY A CREDIT REPORTING AGENCY BEARING ON A CONSUMER’S**
3 **CREDITWORTHINESS, CREDIT STANDING, OR CREDIT CAPACITY.**

4 **(II) “CONSUMER CREDIT HISTORY” INCLUDES:**

5 **1. A CONSUMER CREDIT REPORT; OR**

6 **2. A CREDIT SCORE.**

7 **(3) “REUSABLE tenant screening report” means a report prepared within**
8 **the previous 30 days by a consumer reporting agency at the request and expense of a**
9 **prospective tenant and made directly available to a prospective landlord at no charge for**
10 **use in the rental application process.**

11 **(b) (1) A reusable tenant screening report shall contain the following**
12 **information regarding a prospective tenant:**

13 **[(1) A credit report;**

14 **(2)] (I) For each jurisdiction indicated as a prior residence of the**
15 **prospective tenant, regardless of whether the residence is reported by the prospective**
16 **tenant or by a consumer reporting agency preparing a consumer report:**

17 **[(i)] 1. A comprehensive criminal history records check for all**
18 **federal, state, and local charges against and convictions of the prospective tenant over the**
19 **previous 7 years; and**

20 **[(ii)] 2. A comprehensive eviction history for all state and local**
21 **jurisdictions for the previous 7 years;**

22 **[(3)] (II) Verification of employment and income; and**

23 **[(4)] (III) Current address and rental history.**

24 **(2) A REUSABLE TENANT SCREENING REPORT MAY NOT CONTAIN A**
25 **CONSUMER CREDIT HISTORY.**

26 **(c) (1) A landlord shall notify prospective tenants regarding whether or not**
27 **the landlord accepts reusable tenant screening reports.**

28 **(2) Notice under paragraph (1) of this subsection may be in writing or by**
29 **posting notice in a conspicuous manner, including:**

30 **(i) A statement posted on a rental housing listing;**

- 1 (ii) Notice posted on the homepage of a website;
- 2 (iii) Information provided in the rental application page for a rental
3 property online; or
- 4 (iv) Any other manner reasonably calculated to provide potential
5 tenants with notice.

6 (d) If a prospective tenant provides a reusable tenant screening report to a
7 landlord that accepts reusable tenant screening reports, the landlord may not charge the
8 prospective tenant:

9 (1) A fee for the landlord to access the report; or

10 (2) An application fee.

11 (e) A landlord that accepts a reusable tenant screening report under this section
12 may require a prospective tenant to certify that there has not been a material change to
13 the tenant's name, address, bankruptcy status, criminal history, or eviction history since
14 the date that the report was generated.

15 (f) Prior to the execution of a lease agreement, a landlord may reject an
16 application for tenancy if a prospective tenant made a material change to a reusable tenant
17 screening report.

18 Article – State Government

19 20–701.

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

21 (b) **(1) “CONSUMER CREDIT HISTORY” MEANS ANY WRITTEN ACCOUNT**
22 **BY A CREDIT REPORTING AGENCY BEARING ON A CONSUMER’S CREDITWORTHINESS,**
23 **CREDIT STANDING, OR CREDIT CAPACITY.**

24 **(2) “CONSUMER CREDIT HISTORY” INCLUDES:**

25 **(I) A CONSUMER CREDIT REPORT; OR**

26 **(II) A CREDIT SCORE.**

27 **(C) (1) “Disability” means:**

28 (i) a physical or mental impairment that substantially limits one or
29 more of an individual's major life activities;

1 (ii) a record of having a physical or mental impairment that
2 substantially limits one or more of an individual's major life activities; or

3 (iii) being regarded as having a physical or mental impairment that
4 substantially limits one or more of an individual's major life activities.

5 (2) "Disability" does not include the current illegal use of or addiction to:

6 (i) a controlled dangerous substance, as defined in § 5–101 of the
7 Criminal Law Article; or

8 (ii) a controlled substance, as defined in 21 U.S.C. § 802.

9 **[(c)] (D)** "Discriminatory housing practice" means an act that is prohibited
10 under § 20–705, § 20–706, § 20–707, or § 20–708 of this subtitle.

11 **[(d)] (E)** "Dwelling" means:

12 (1) any building, structure, or portion of a building or structure that is
13 occupied, or designed or intended for occupancy, as a residence by one or more families; and

14 (2) any vacant land that is offered for sale or lease for the construction or
15 location on the land of any building, structure, or portion of a building or structure
16 described in item (1) of this subsection.

17 **[(e)] (F)** (1) "Familial status" means the status of one or more minors who
18 are domiciled with:

19 (i) a parent or other person having legal custody of the minor; or

20 (ii) the designee of a parent or other person having legal custody of
21 the minor with the written permission of the parent or other person.

22 (2) "Familial status" includes the status of being:

23 (i) a pregnant woman; or

24 (ii) an individual who is in the process of securing legal custody of a
25 minor.

26 **[(f)] (G)** "Family" includes a single individual.

27 **[(g)] (H)** "In the business of selling or renting dwellings" means:

28 (1) within the preceding 12 months, participating as a principal in three or
29 more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

1 (2) within the preceding 12 months, participating as an agent, other than
2 in the sale of the individual's own personal residence, in providing sales or rental facilities
3 or services in two or more transactions involving the sale or rental of any dwelling or any
4 interest in a dwelling; or

5 (3) being the owner of any dwelling occupied, or designed or intended for
6 occupancy, by five or more families.

7 **[(h)] (I)** "Marital status" means the state of being single, married, separated,
8 divorced, or widowed.

9 **[(i)] (J)** "Rent" includes to lease, sublease, let, or otherwise grant for a
10 consideration the right to occupy premises not owned by the occupant.

11 **[(j)] (K)** (1) "Source of income" means any lawful source of money paid
12 directly or indirectly to or on behalf of a renter or buyer of housing.

13 (2) "Source of income" includes income from:

14 (i) a lawful profession, occupation, or job;

15 (ii) any government or private assistance, grant, loan, or rental
16 assistance program, including low-income housing assistance certificates and vouchers
17 issued under the United States Housing Act of 1937;

18 (iii) a gift, an inheritance, a pension, an annuity, alimony, child
19 support, or any other consideration or benefit; or

20 (iv) the sale or pledge of property or an interest in property.

21 20-702.

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

23 (1) to provide for fair housing throughout the State to all, regardless of
24 race, color, religion, sex, familial status, national origin, marital status, sexual orientation,
25 gender identity, disability, **[(or)] source of income, OR CONSUMER CREDIT HISTORY;** 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 20–704.

4 (a) This subtitle does not apply to:

5 (1) the sale or rental of a single–family dwelling, if the dwelling is sold or
6 rented without:

7 (i) the use of the sales or rental facilities or services of any:

8 1. real estate broker, agent, or salesperson;

9 2. agent of any real estate broker, agent, or salesperson;

10 3. person in the business of selling or renting dwellings; or

11 4. agent of a person in the business of selling or renting
12 dwellings; or

13 (ii) the publication, posting, or mailing, after notice, of any
14 advertisement or written notice in violation of this subtitle; and

15 (2) with respect to discrimination on the basis of sex, sexual orientation,
16 gender identity, marital status, [or] source of income, **OR CONSUMER CREDIT HISTORY**
17 if the source of income is low–income housing assistance certificates or vouchers issued
18 under the United States Housing Act of 1937:

19 (i) the rental of rooms in any dwelling, if the owner maintains the
20 dwelling as the owner’s principal residence; or

21 (ii) the rental of any apartment in a dwelling that contains not more
22 than five rental units, if the owner maintains the dwelling as the owner’s principal
23 residence.

24 (b) The use of attorneys, escrow agents, abstractors, title companies, and other
25 similar professional assistance as necessary to perfect or transfer the title to a
26 single–family dwelling does not subject a person to this subtitle if the person otherwise
27 would be exempted under subsection (a) of this section.

28 (c) (1) (i) In this subsection, “housing for older persons” means housing:

29 1. provided under any State or federal program that is
30 specifically designed and operated to assist elderly persons, as defined in the State or
31 federal program;

1 (2) discriminate against any person in the terms, conditions, or privileges
2 of the sale or rental of a dwelling, or in the provision of services or facilities in connection
3 with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital
4 status, familial status, sexual orientation, gender identity, national origin, [or] source of
5 income, **OR CONSUMER CREDIT HISTORY**;

6 (3) make, print, or publish, or cause to be made, printed, or published, any
7 notice, statement, or advertisement with respect to the sale or rental of a dwelling that
8 indicates any preference, limitation, or discrimination based on race, color, religion, sex,
9 disability, marital status, familial status, sexual orientation, gender identity, national
10 origin, [or] source of income, **OR CONSUMER CREDIT HISTORY**, or an intention to make
11 any preference, limitation, or discrimination;

12 (4) represent to any person, because of race, color, religion, sex, disability,
13 marital status, familial status, sexual orientation, gender identity, national origin, [or]
14 source of income, **OR CONSUMER CREDIT HISTORY**, that any dwelling is not available for
15 inspection, sale, or rental when the dwelling is available; or

16 (5) for profit, induce or attempt to induce any person to sell or rent any
17 dwelling by representations regarding the entry or prospective entry into the neighborhood
18 of a person of a particular race, color, religion, sex, disability, marital status, familial status,
19 sexual orientation, gender identity, national origin, [or] source of income, **OR CONSUMER**
20 **CREDIT HISTORY**.

21 20–707.

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

23 (1) the making or purchasing of loans or providing other financial
24 assistance:

25 (i) for purchasing, constructing, improving, repairing, or
26 maintaining a dwelling; or

27 (ii) secured by residential real estate; or

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

29 (b) (1) A person whose business includes engaging in residential real
30 estate–related transactions may not discriminate against any person in making available
31 a transaction, or in the terms or conditions of a transaction, because of race, color, religion,
32 sex, disability, marital status, familial status, sexual orientation, gender identity, national
33 origin, [or] source of income, **OR CONSUMER CREDIT HISTORY**.

34 (2) Paragraph (1) of this subsection does not prohibit a person engaged in
35 the business of furnishing appraisals of real property from taking into consideration factors

1 other than race, color, religion, sex, disability, marital status, familial status, sexual
2 orientation, gender identity, national origin, [or] source of income, **OR CONSUMER CREDIT**
3 **HISTORY**.

4 (c) A person may not, because of race, color, religion, sex, disability, marital
5 status, familial status, sexual orientation, gender identity, national origin, [or] source of
6 income, **OR CONSUMER CREDIT HISTORY**:

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

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

12 20-1103.

13 (a) In this section, "disability", "dwelling", "familial status", "marital status",
14 "rent", [and] "source of income", **AND "CONSUMER CREDIT HISTORY"** have the meanings
15 stated in § 20-701 of this title.

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

19 (1) any person because of race, color, religion, sex, disability, marital
20 status, familial status, sexual orientation, gender identity, national origin, [or] source of
21 income, **OR CONSUMER CREDIT HISTORY** and because the person is or has been:

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

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

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

28 (i) participating, without discrimination on account of race, color,
29 religion, sex, disability, marital status, familial status, sexual orientation, gender identity,
30 national origin, [or] source of income, **OR CONSUMER CREDIT HISTORY**, in any of the
31 activities, services, organizations, or facilities described in item (1) of this subsection; or

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

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

3 (i) lawfully aiding or encouraging other persons to participate,
4 without discrimination on account of race, color, religion, sex, disability, marital status,
5 familial status, sexual orientation, gender identity, national origin, [or] source of income,
6 **OR CONSUMER CREDIT HISTORY**, in any of the activities, services, organizations, or
7 facilities described in item (1) of this subsection; or

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not limit the
19 rights or remedies that otherwise are available to a landlord or tenant under any other law.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2023.