

# HOUSE BILL 577

D5, C8  
HB 560/21 – ENT

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By: **Delegates Fennell and D. Barnes**

Introduced and read first time: February 3, 2023

Assigned to: Environment and Transportation

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## A BILL ENTITLED

AN ACT concerning

### **Human Relations – Discrimination in Housing – Reentry–Into–Society Status**

FOR the purpose of establishing reentry–into–society status as a protected class for purposes of State fair housing laws; prohibiting discrimination based on a person’s reentry–into–society status in residential real estate transactions and in the sale or rental of a dwelling; and generally relating to discrimination in housing.

BY repealing and reenacting, with amendments,

Article – State Government

Section 20–701, 20–702, 20–705, 20–707, and 20–1103

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 20–703 and 20–704

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

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

### **Article – State Government**

20–701.

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

(b) (1) “Disability” means:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

(d) "Dwelling" means:

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

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

(e) (1) "Familial status" means the status of one or more minors who are domiciled with:

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

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

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

(i) a pregnant woman; or

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

(f) "Family" includes a single individual.

(g) "In the business of selling or renting dwellings" means:

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

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

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

(h) "Marital status" means the state of being single, married, separated, divorced, or widowed.

**(I) "REENTRY-INTO-SOCIETY STATUS" MEANS THE STATE OF HAVING COMPLETED A COURT-ORDERED SENTENCE OF IMPRISONMENT.**

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

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

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

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

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

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

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

20-702.

(a) It is the policy of the State:

(1) to 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, disability, [or] source of income, **OR REENTRY-INTO-SOCIETY STATUS**; and

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

(b) This subtitle:

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

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

20–703.

This subtitle does not:

(1) invalidate or limit any local law that requires dwellings to be designed and constructed in a manner that affords an individual with a disability greater access than is required by § 20–706(b) of this subtitle;

(2) limit the applicability of any reasonable local, State, or federal restrictions regarding the maximum number of occupants allowed to occupy a dwelling;

(3) prohibit the State or a local government from enacting standards that govern the location of group homes, as defined in § 4–601 of the Housing and Community Development Article;

(4) affect the powers of any local government to enact an ordinance on any subject covered by this subtitle, provided that the ordinance does not authorize any act that would be a discriminatory housing practice under this subtitle;

(5) require that a dwelling be made available to an individual whose tenancy would:

(i) constitute a direct threat to the health or safety of other individuals; or

(ii) result in substantial physical damage to the property of others;

(6) prohibit conduct against a person because the person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of:

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

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

(7) unless membership in the religion is restricted on the basis of race, color, or national origin, prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from giving preference or limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

(8) prohibit a private club that is not open to the public and that, as an incident to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the dwellings to its members or from giving preference to its members.

20–704.

(a) This subtitle does not apply to:

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

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

1. real estate broker, agent, or salesperson;
2. agent of any real estate broker, agent, or salesperson;
3. person in the business of selling or renting dwellings; or
4. agent of a person in the business of selling or renting

dwellings; or

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

(2) with respect to discrimination on the basis of sex, sexual orientation, gender identity, marital status, or source of income if the source of income is low–income housing assistance certificates or vouchers issued under the United States Housing Act of 1937:

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

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

(b) The use of attorneys, escrow agents, abstractors, title companies, and other similar professional assistance as necessary to perfect or transfer the title to a

single-family dwelling does not subject a person to this subtitle if the person otherwise would be exempted under subsection (a) of this section.

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

1. provided under any State or federal program that is specifically designed and operated to assist elderly persons, as defined in the State or federal program;
2. intended for, and solely occupied by, persons who are at least 62 years old;
3. intended and operated for occupancy by at least one person who is at least 55 years old in each unit; or
4. that meets the requirements set forth in regulations adopted by the Secretary of Housing and Urban Development under 42 U.S.C. § 3607(b)(2)(C).

(ii) “Housing for older persons” includes:

1. unoccupied units, if the units are reserved for occupancy by persons who meet the age requirements of subparagraph (i) of this paragraph; or
2. units occupied as of September 13, 1988 by persons who do not meet the age requirements of subparagraph (i) of this paragraph, if the new occupant of the unit meets the age requirement.

(2) The provisions in this subtitle concerning familial status do not apply to housing for older persons.

(d) The prohibitions in this subtitle against discrimination based on source of income do not:

(1) prohibit a person from determining the ability of a potential buyer or renter to pay a purchase price or pay rent by verifying in a commercially reasonable and nondiscriminatory manner the source and amount of income or creditworthiness of the potential buyer or renter;

(2) prevent a person from refusing to consider income derived from any criminal activity; or

(3) prohibit a person from determining, in accordance with applicable federal and State laws, the ability of a potential buyer to repay a mortgage loan.

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

(1) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR REENTRY–INTO–SOCIETY STATUS**;

(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR REENTRY–INTO–SOCIETY STATUS**;

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

(4) represent to any person, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR REENTRY–INTO–SOCIETY STATUS**, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; or

(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR REENTRY–INTO–SOCIETY STATUS**.

20–707.

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

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

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

(ii) secured by residential real estate; or

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

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

(2) Paragraph (1) of this subsection does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR REENTRY–INTO–SOCIETY STATUS**.

(c) A person may not, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR REENTRY–INTO–SOCIETY STATUS**:

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

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

20–1103.

(a) In this section, “disability”, “dwelling”, “familial status”, “marital status”, “**REENTRY–INTO–SOCIETY STATUS**”, “rent”, and “source of income” have the meanings stated in § 20–701 of this title.

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

(1) any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR REENTRY–INTO–SOCIETY STATUS** and because the person is or has been:

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

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

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

(i) participating, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR REENTRY-INTO-SOCIETY STATUS**, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

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

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

(i) lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR REENTRY-INTO-SOCIETY STATUS**, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

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

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

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

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

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

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

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