

# HOUSE BILL 242

N1, D5  
HB 1293/23 – HRU

(PRE-FILED)

5lr0672

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By: **Delegate Addison**

Requested: August 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Environment and Transportation

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## 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; prohibiting certain discrimination in housing on the basis  
5 of consumer credit history; and generally relating to prohibitions against  
6 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 (2023 Replacement Volume and 2024 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 2024 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.**

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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; AND**

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; AND**

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, source of income, **[or] military status, OR CONSUMER CREDIT**  
26 **HISTORY**; and

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

30           (b)     This subtitle:

31                     (1)     is an exercise of the police power of the State for the protection of the

1 people of the State; and

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

4 20–704.

5 (a) This subtitle does not apply to:

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

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

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

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

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

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

13 dwellings; or

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

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

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

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

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

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

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

1 federal program;

2                                   2.       intended for, and solely occupied by, persons who are at  
3 least 62 years old;

4                                   3.       intended and operated for occupancy by at least one person  
5 who is at least 55 years old in each unit; or

6                                   4.       that meets the requirements set forth in regulations  
7 adopted by the Secretary of Housing and Urban Development under 42 U.S.C. §  
8 3607(b)(2)(C).

9                                   (ii)     “Housing for older persons” includes:

10                                   1.       unoccupied units, if the units are reserved for occupancy  
11 by persons who meet the age requirements of subparagraph (i) of this paragraph; or

12                                   2.       units occupied as of September 13, 1988 by persons who  
13 do not meet the age requirements of subparagraph (i) of this paragraph, if the new occupant  
14 of the unit meets the age requirement.

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

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

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

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

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

27 20–705.

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

29                                   (1)     refuse to sell or rent after the making of a bona fide offer, refuse to  
30 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any  
31 person because of race, color, religion, sex, disability, marital status, familial status, sexual  
32 orientation, gender identity, national origin, source of income, [or] military status, **OR**  
33 **CONSUMER CREDIT HISTORY;**

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, source of  
5 income, [or] military status, **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, source of income, [or] military status, **OR CONSUMER CREDIT HISTORY**, or an  
11 intention to make 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, source  
14 of income, [or] military status, **OR CONSUMER CREDIT HISTORY**, that any dwelling is not  
15 available for 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, source of income, [or] military status,  
20 **OR CONSUMER 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, source of income, [or] military status, **OR CONSUMER CREDIT HISTORY**.

34 (2) Paragraph (1) of this subsection does not prohibit a person engaged in



1 the business of furnishing appraisals of real property from taking into consideration factors  
2 other than race, color, religion, sex, disability, marital status, familial status, sexual  
3 orientation, gender identity, national origin, source of income, [or] military status, **OR**  
4 **CONSUMER CREDIT HISTORY**.

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

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

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

13 20-1103.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2025.