

SB0335/703226/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 335
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute:

**“Landlord and Tenant – Discrimination in Housing for Income-Based
Housing Subsidies and Positive Rental History Reporting”;**

in line 8, after “Rights;” insert “requiring that a certain landlord of residential real property offer a certain tenant the option of having positive rental payment history reported to a certain consumer reporting agency;”; in line 9, after “discrimination” insert “and rental history reporting”; and after line 24, insert:

“BY adding to

Article – Real Property

Section 8–208.4

Annotated Code of Maryland

(2023 Replacement Volume and 2025 Supplement)”.

AMENDMENT NO. 2

On page 2, strike beginning with the first “THE” in line 24 down through “RECEIVED” in line 25 and substitute “**THE PERIOD DURING WHICH THE TENANT DID NOT HAVE THE SUBSIDY IS CONFIRMED BY:**

(I) THE APPLICANT;

(II) VOUCHER PAPERWORK;

(III) DOCUMENTS PROVIDED BY A PUBLIC HOUSING AUTHORITY; OR

(IV) A PUBLIC HOUSING AUTHORITY IN RESPONSE TO A REQUEST BY THE LANDLORD.

(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A LANDLORD MAY NOT REQUIRE THAT A PUBLIC HOUSING AUTHORITY VERIFY APPLICABLE DATES FOR THE SUBSIDY FOR PURPOSES OF ASSESSING THE TENANT’S CREDIT HISTORY”;

in line 26, strike “(C)” and substitute “(D)”;

“(D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A LANDLORD OF RESIDENTIAL RENTAL PROPERTY MAY REQUIRE VERIFICATION THAT A TENANT HAS SUFFICIENT INCOME TO PAY THE PORTION OF RENT AND UTILITIES NOT COVERED BY THE INCOME–BASED HOUSING SUBSIDY USING AN INCOME TO TENANT’S PORTION OF RENT RATIO THAT IS SUBSTANTIALLY EQUIVALENT TO THE RATIO USED BY THE LANDLORD FOR NONSUBSIDIZED TENANTS.

(F) A LANDLORD OR RESIDENTIAL RENTAL PROPERTY MAY REFUSE TO RENT TO A PROSPECTIVE TENANT WHO PAYS RENT WITH THE ASSISTANCE OF AN INCOME–BASED HOUSING SUBSIDY ON THE BASIS OF ANY COMMERCIALY REASONABLE AND NONDISCRIMINATORY USE OF:

(1) A REFERENCE FROM A PREVIOUS OR CURRENT LANDLORD OF THE TENANT; OR

(2) THE TENANT’S HISTORY OF VIOLATING A LEASE, CREATING A NUISANCE, OR DAMAGING PROPERTY.”.

On page 3, after line 3, insert:

“Article – Real Property

8-208.4.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CONSUMER REPORTING AGENCY” MEANS ANY PERSON OR ENTITY THAT, FOR MONETARY FEES OR DUES OR ON A COOPERATIVE NONPROFIT BASIS, REGULARLY ENGAGES, IN WHOLE OR IN PART, IN THE PRACTICE OF ASSEMBLING OR EVALUATING CONSUMER CREDIT INFORMATION OR OTHER INFORMATION ON CONSUMERS FOR THE PURPOSE OF FURNISHING CONSUMER CREDIT REPORTS TO THIRD PARTIES.

(3) (I) “POSITIVE RENTAL PAYMENT HISTORY” MEANS INFORMATION REGARDING A TENANT’S COMPLETE AND TIMELY PAYMENTS OF RENT.

(II) “POSITIVE RENTAL PAYMENT HISTORY” DOES NOT INCLUDE AN INSTANCE IN WHICH A TENANT DID NOT COMPLETELY OR TIMELY MAKE A RENTAL PAYMENT.

(4) “SECRETARY” MEANS THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT.

(Over)

(B) A LANDLORD WHO OFFERS A RESIDENTIAL DWELLING UNIT FOR RENT SHALL INCLUDE IN A WRITTEN LEASE THE OPTION TO HAVE THE TENANT'S POSITIVE RENTAL PAYMENT HISTORY REPORTED TO AT LEAST ONE CONSUMER REPORTING AGENCY.

(C) (1) FOR A LEASE ENTERED INTO ON OR AFTER OCTOBER 1, 2026, THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING SHALL BE MADE AT THE TIME OF THE LEASE AGREEMENT AND AT LEAST ONCE ANNUALLY THEREAFTER.

(2) (I) FOR LEASES ENTERED INTO BEFORE OCTOBER 1, 2026, THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING SHALL BE MADE NOT LATER THAN JANUARY 1, 2027, AND AT LEAST ONCE ANNUALLY THEREAFTER.

(II) A LANDLORD SHALL DELIVER THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING TO THE TENANT BY:

1. FIRST-CLASS MAIL WITH A CERTIFICATE OF MAILING;

2. A DELIVERY SERVICE PROVIDING DELIVERY TRACKING AND CONFIRMATION; OR

3. ELECTRONIC DELIVERY, IF THE TENANT HAS ELECTED TO RECEIVE NOTICES FROM THE LANDLORD IN THIS MANNER.

(D) THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING SHALL BE IN THE FORM SPECIFIED IN REGULATIONS ADOPTED BY THE SECRETARY UNDER SUBSECTION (I) OF THIS SECTION AND INCLUDE:

(1) A STATEMENT THAT REPORTING OF THE TENANT'S POSITIVE RENTAL PAYMENT HISTORY IS OPTIONAL;

(2) THE NAME OF EACH CONSUMER REPORTING AGENCY TO WHICH POSITIVE RENTAL PAYMENT HISTORY WILL BE REPORTED;

(3) THE AMOUNT OF ANY FEE CHARGED UNDER SUBSECTION (G) OF THIS SECTION;

(4) INSTRUCTIONS ON HOW TO SUBMIT THE WRITTEN ELECTION OF POSITIVE RENTAL PAYMENT HISTORY REPORTING TO THE LANDLORD;

(5) A STATEMENT THAT THE TENANT MAY OPT INTO POSITIVE RENTAL PAYMENT HISTORY REPORTING AT ANY TIME FOLLOWING THE INITIAL OFFER BY THE LANDLORD;

(6) A STATEMENT THAT THE TENANT MAY ELECT TO STOP POSITIVE RENTAL PAYMENT HISTORY REPORTING AT ANY TIME, BUT THAT THE TENANT WILL NOT BE ABLE TO RESUME POSITIVE RENTAL PAYMENT HISTORY REPORTING FOR AT LEAST 6 MONTHS AFTER AN ELECTION TO OPT OUT;

(7) INSTRUCTIONS ON HOW TO OPT OUT OF POSITIVE RENTAL PAYMENT HISTORY REPORTING; AND

(8) A SIGNATURE BLOCK THAT THE TENANT SHALL DATE AND SIGN IN ORDER TO ACCEPT THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING.

(E) IF THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING IS MADE BY FIRST-CLASS MAIL, THE LANDLORD SHALL PROVIDE THE TENANT WITH A SELF-ADDRESSED, STAMPED ENVELOPE TO RETURN THE WRITTEN ELECTION OF POSITIVE RENTAL PAYMENT HISTORY REPORTING.

(F) (1) A TENANT MAY SUBMIT THE TENANT'S COMPLETED WRITTEN ELECTION AT ANY TIME AFTER THE TENANT RECEIVES THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING FROM THE LANDLORD.

(2) (I) A TENANT MAY REQUEST ADDITIONAL COPIES OF THE WRITTEN ELECTION OF POSITIVE RENTAL PAYMENT HISTORY REPORTING FROM THE LANDLORD AT ANY TIME.

(II) A LANDLORD THAT RECEIVES A REQUEST FROM A TENANT PURSUANT TO THIS PARAGRAPH SHALL COMPLY WITH THE REQUEST.

(G) (1) IF A TENANT ELECTS TO HAVE POSITIVE RENTAL PAYMENT HISTORY REPORTED TO A CONSUMER REPORTING AGENCY THE LANDLORD MAY REQUIRE THAT THE TENANT PAY A FEE NOT TO EXCEED THE LESSER OF THE ACTUAL COST TO THE LANDLORD TO PROVIDE THE SERVICE OR \$10 PER MONTH.

(2) (I) THE PAYMENT OR NONPAYMENT OF A FEE UNDER THIS SUBSECTION MAY NOT BE REPORTED TO A CONSUMER REPORTING AGENCY.

(II) A FEE COLLECTED UNDER THIS SUBSECTION IS NOT RENT AND MAY NOT BE CREDITED TOWARDS FULL OR PARTIAL SATISFACTION OF RENT OR ANY OTHER OBLIGATION UNDER THE LEASE.

(III) IF A TENANT FAILS TO PAY ANY FEE REQUIRED BY THE LANDLORD UNDER THIS SUBSECTION FOR 30 DAYS OR MORE:

1. THE LANDLORD MAY STOP REPORTING THE TENANT'S RENTAL PAYMENTS; AND

2. THE TENANT MAY NOT ELECT POSITIVE RENTAL PAYMENT HISTORY REPORTING FOR A PERIOD OF AT LEAST 6 MONTHS AFTER THE DATE ON WHICH THE FEE FIRST BECAME DUE.

(H) (1) A LANDLORD SHALL STOP REPORTING POSITIVE RENTAL PAYMENT HISTORY ON WRITTEN REQUEST BY A TENANT.

(2) A TENANT WHO ELECTS TO HAVE REPORTING STOPPED MAY NOT ELECT POSITIVE RENTAL PAYMENT HISTORY REPORTING AGAIN FOR A PERIOD OF AT LEAST 6 MONTHS AFTER THE DATE OF THE TENANT'S WRITTEN REQUEST TO HAVE REPORTING STOPPED.

(I) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION."