

# SENATE BILL 274

D5, C9

6lr1284  
CF HB 573

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By: **Senator Sydnor**

Introduced and read first time: January 19, 2026

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 3, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Fair Housing and Housing Discrimination – Regulations, ~~Intent,~~ and**  
3 **Discriminatory Effect**

4 FOR the purpose of authorizing the Department of Housing and Community Development  
5 to adopt certain regulations related to affirmatively furthering fair housing;  
6 ~~providing that certain discriminatory housing practices may be committed without~~  
7 ~~intent,~~ prohibiting a person from acting in a certain manner that has a  
8 discriminatory effect; providing that certain conduct does not constitute a certain  
9 violation; and generally relating to fair housing and discriminatory housing  
10 practices.

11 BY repealing and reenacting, with amendments,  
12 Article – Housing and Community Development  
13 Section 2–402  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – State Government  
18 Section 20–101(a), (b), and (d), 20–701(a), 20–1020, 20–1035, 20–1040, and 20–1041  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2025 Supplement)

21 BY adding to  
22 Article – State Government

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### 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 Section 20–701(b–1)  
2 Annotated Code of Maryland  
3 (2021 Replacement Volume and 2025 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – State Government  
6 Section 20–702 and 20–705  
7 Annotated Code of Maryland  
8 (2021 Replacement Volume and 2025 Supplement)

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

11 **Article – Housing and Community Development**

12 2–402.

13 (a) The Department:

14 (1) shall administer its programs and activities related to housing and  
15 community development to affirmatively further fair housing;

16 (2) shall explore ways to ensure it is collaborating with and supporting  
17 nonprofit and governmental entities devoted to furthering fair housing; and

18 (3) may not take any action that is materially inconsistent with the  
19 obligation to affirmatively further fair housing.

20 (b) (1) The Department shall require political subdivisions and housing  
21 authorities to affirmatively further fair housing.

22 (2) To ensure that political subdivisions and housing authorities  
23 affirmatively further fair housing, the Department shall, in accordance with § 3–114(d)(2)  
24 of the Land Use Article, require a political subdivision or housing authority to submit an  
25 assessment of fair housing to the Department as part of the housing element of a  
26 comprehensive plan.

27 (c) This section does not:

28 (1) require a political subdivision or housing authority to take a specific  
29 action to affirmatively further fair housing; or

30 (2) prohibit a political subdivision or housing authority from taking a  
31 specific action to affirmatively further fair housing.

32 **(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**  
33 **SECTION.**



1 (2) to that end, to prohibit discriminatory practices **OR ACTS THAT HAVE**  
2 **A DISCRIMINATORY EFFECT, ~~REGARDLESS OF INTENT,~~** with respect to residential  
3 housing by any person, in order to protect and ensure the peace, health, safety, prosperity,  
4 and general welfare of all.

5 (b) This subtitle:

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

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

10 20–705.

11 (A) Except as provided in **SUBSECTION (B) OF THIS SECTION AND §§ 20–703**  
12 **and 20–704 of this subtitle, a person may not, ~~REGARDLESS OF INTENT,~~**

13 (1) refuse to sell or rent after the making of a bona fide offer, refuse to  
14 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any  
15 person because of race, color, religion, sex, disability, marital status, familial status, sexual  
16 orientation, gender identity, national origin, source of income, or military status;

17 (2) discriminate against any person in the terms, conditions, or privileges  
18 of the sale or rental of a dwelling, or in the provision of services or facilities in connection  
19 with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital  
20 status, familial status, sexual orientation, gender identity, national origin, source of  
21 income, or military status;

22 (3) make, print, or publish, or cause to be made, printed, or published, any  
23 notice, statement, or advertisement with respect to the sale or rental of a dwelling that  
24 indicates any preference, limitation, or discrimination based on race, color, religion, sex,  
25 disability, marital status, familial status, sexual orientation, gender identity, national  
26 origin, source of income, or military status, or an intention to make any preference,  
27 limitation, or discrimination;

28 (4) represent to any person, because of race, color, religion, sex, disability,  
29 marital status, familial status, sexual orientation, gender identity, national origin, source  
30 of income, or military status, that any dwelling is not available for inspection, sale, or rental  
31 when the dwelling is available; [or]

32 (5) for profit, induce or attempt to induce any person to sell or rent any  
33 dwelling by representations regarding the entry or prospective entry into the neighborhood  
34 of a person of a particular race, color, religion, sex, disability, marital status, familial status,  
35 sexual orientation, gender identity, national origin, source of income, or military status; **OR**

1           **(6) ACT IN A MANNER THAT HAS A DISCRIMINATORY EFFECT.**

2           **(B) A PERSON HAS NOT VIOLATED A PROHIBITION IN SUBSECTION (A) OF**  
3 **THIS SECTION IF:**

4           **(1) THE ACTION WAS WITHOUT DISCRIMINATORY INTENT;**

5           **(2) THE ACTION WAS NECESSARY TO ACHIEVE ONE OR MORE**  
6 **SUBSTANTIAL, LEGITIMATE, ~~AND~~ OR NONDISCRIMINATORY INTERESTS; AND**

7           **(3) THE PERSON COULD NOT HAVE ACHIEVED THE SUBSTANTIAL,**  
8 **LEGITIMATE, ~~AND~~ OR NONDISCRIMINATORY INTERESTS BY LESS DISCRIMINATORY**  
9 **MEANS.**

10 20–1020.

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

12           (b) “Aggrieved person” means any person that claims to have been injured by a  
13 discriminatory housing practice.

14           (c) “Conciliation” means the attempted resolution of issues raised by a complaint,  
15 or by the investigation of a complaint, through informal negotiations involving the  
16 aggrieved person, the respondent, and the Commission.

17           (d) “Conciliation agreement” means a written agreement between the respondent  
18 and the complainant setting forth the resolution of the issues in conciliation.

19           (e) “Discriminatory housing practice” means an act that is prohibited under §  
20 20–705, § 20–706, § 20–707, or § 20–708 of this title.

21           (f) “Prevailing party” has the meaning as judicially determined under 42 U.S.C.  
22 § 1988.

23 20–1035.

24           (a) In accordance with this section, an aggrieved person may commence a civil  
25 action in an appropriate State court to obtain appropriate relief for an alleged  
26 discriminatory housing practice or the breach of a conciliation agreement entered into  
27 under this part.

28           (b) (1) The action shall be filed within 2 years after the later of the occurrence  
29 or termination of the alleged discriminatory housing practice or the breach of the  
30 conciliation agreement.

1           (2)   (i)    Except as provided in subparagraph (ii) of this paragraph, the  
2 computation of the 2–year period does not include any time during which an administrative  
3 proceeding under this part was pending for a complaint or charge based on the alleged  
4 discriminatory housing practice.

5                       (ii)   Subparagraph (i) of this paragraph does not apply to an action  
6 arising from a breach of a conciliation agreement.

7           (3)    Except as provided in subsection (c) of this section, an aggrieved person  
8 may commence a civil action under this section:

9                       (i)    not sooner than 130 days after a complaint has been filed under  
10 § 20–1021 of this subtitle; and

11                      (ii)   regardless of the status of any complaint.

12           (c)    (1)    If the Commission or a State or local unit has obtained a conciliation  
13 agreement with the consent of an aggrieved person, the aggrieved person may not file an  
14 action under this section for the alleged discriminatory housing practice that forms the  
15 basis for the complaint, except for the purpose of enforcing the terms of the conciliation  
16 agreement.

17                      (2)    An aggrieved person may not commence a civil action under this section  
18 with respect to an alleged discriminatory housing practice that forms the basis of a charge  
19 issued by the Commission, if an administrative law judge has commenced a hearing on the  
20 record under this part with respect to the charge.

21           (d)    On application by a person alleging a discriminatory housing practice or a  
22 person against whom a discriminatory housing practice is alleged, the court may:

23                      (1)    appoint an attorney for the person; or

24                      (2)    if, in the opinion of the court, the person is financially unable to bear  
25 the costs of the action, authorize the commencement or continuation of a civil action under  
26 subsection (a) of this section without the payment of fees, costs, or security.

27           (e)    (1)    In a civil action under this section, if the court finds that a  
28 discriminatory housing practice has occurred, the court may:

29                      (i)    award to the plaintiff actual and punitive damages; and

30                      (ii)   subject to subsection (f) of this section, grant as relief, as the  
31 court considers appropriate, any permanent or temporary injunction, temporary  
32 restraining order, or other order, including an order enjoining the defendant from engaging  
33 in the practice or ordering affirmative action.

1           (2) In a civil action under this section, the court may allow the prevailing  
2 party reasonable attorney's fees and costs.

3           (f) Relief granted under this section may not affect any contract, sale,  
4 encumbrance, or lease consummated before the granting of relief and involving a bona fide  
5 purchaser, encumbrancer, or tenant without actual notice of the filing of a complaint with  
6 the Commission or civil action under this part.

7           (g) If the Commission certifies that the case is of general public importance and  
8 on timely application, the Commission may:

9           (1) intervene in a civil action brought under this section; and

10           (2) obtain any relief that would be available to the Commission under §  
11 20–1036(c) of this subtitle.

12 20–1040.

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

14           (b) “Attorney General” means the Attorney General and the Office of the Attorney  
15 General.

16           (c) (1) “Civil rights violation” means an act of discrimination prohibited under  
17 the U.S. Constitution, the Maryland Constitution, or State or federal law.

18           (2) “Civil rights violation” includes a discriminatory act as defined in §  
19 20–101 of this title.

20 20–1041.

21           (a) The Attorney General may investigate, prosecute, and remediate, on behalf of  
22 the residents of the State, any conduct that constitutes a civil rights violation.

23           (b) The Attorney General may not bring a civil rights action under this part:

24           (1) on behalf of an individual;

25           (2) against a political subdivision;

26           (3) against any unit of State or local government established by law; or

27           (4) against any employee or agent of an entity identified in item (2) or (3)  
28 of this subsection who is acting under the color of law.

29           (c) Nothing in this part may be interpreted to impair the rights and powers of the  
30 Commission under Subtitles 1 through 11 of this title.

1            SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
2 Assembly that this Act:

3            (1)    be construed to be consistent with:

4                    (ii)    the analysis and holding of the U.S. Supreme Court in Texas  
5 Department of Housing and Community Affairs v. Inclusive Communities Project, Inc., 576  
6 U.S. 519 (2015); and

7                    (ii)    78 FR 11460 and 24 CFR 100.500 of the Federal Register; and

8            (2)    not be construed to abrogate the holding of the Supreme Court of  
9 Maryland in Hare v. David S. Brown Enterprises, Ltd., 491 Md. 653 (2025).

10            SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2026.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.