

SENATE BILL 274

D5, C9

6lr1284
CF 6lr1216

By: Senator Sydnor

Introduced and read first time: January 19, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

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
23 Section 20–701(b–1)
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2025 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – State Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 20-702 and 20-705
2 Annotated Code of Maryland
3 (2021 Replacement Volume and 2025 Supplement)

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

6 **Article – Housing and Community Development**

7 2-402.

8 (a) The Department:

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

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

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

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

17 (2) To ensure that political subdivisions and housing authorities
18 affirmatively further fair housing, the Department shall, in accordance with § 3-114(d)(2)
19 of the Land Use Article, require a political subdivision or housing authority to submit an
20 assessment of fair housing to the Department as part of the housing element of a
21 comprehensive plan.

22 (c) This section does not:

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

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

27 (D) **THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**
28 **SECTION.**

29 **Article – State Government**

30 20-101.

1 (a) In Subtitles 1 through 11 of this title the following words have the meanings
2 indicated.

3 (b) "Commission" means the Commission on Civil Rights.

4 (d) "Discriminatory act" means an act prohibited under:

5 (1) Subtitle 3 of this title (Discrimination in Places of Public
6 Accommodation);

(2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);

11 (4) Subtitle 6 of this title (Discrimination in Employment);

12 (5) Subtitle 7 of this title (Discrimination in Housing); or

13 (6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory
14 Act; Obstructing Compliance).

15 20-701.

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

17 (B-1) "DISCRIMINATORY EFFECT" MEANS AN EFFECT THAT ACTUALLY OR
18 PREDICTABLY HAS A DISPARATE IMPACT ON A GROUP OF PERSONS OR CREATES,
19 INCREASES, REINFORCES, OR PERPETUATES SEGREGATED HOUSING PATTERNS
20 BECAUSE OF RACE, COLOR, RELIGION, SEX, DISABILITY, MARITAL STATUS, FAMILIAL
21 STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN, SOURCE OF
22 INCOME, OR MILITARY STATUS.

23 20-702.

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

25 (1) to provide for fair housing throughout the State to all, regardless of
26 race, color, religion, sex, familial status, national origin, marital status, sexual orientation,
27 gender identity, disability, source of income, or military status; and

1 (b) This subtitle:

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

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

6 20-705.

7 (A) Except as provided in **SUBSECTION (B) OF THIS SECTION AND §§ 20-703**
8 and 20-704 of this subtitle, a person may not, **REGARDLESS OF INTENT**:

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

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

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

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

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

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

33 (B) A PERSON HAS NOT VIOLATED A PROHIBITION IN SUBSECTION (A) OF
34 THIS SECTION IF:

(1) THE ACTION WAS WITHOUT DISCRIMINATORY INTENT;

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

7 20-1020.

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

(b) "Aggrieved person" means any person that claims to have been injured by a discriminatory housing practice.

11 (c) "Conciliation" means the attempted resolution of issues raised by a complaint,
12 or by the investigation of a complaint, through informal negotiations involving the
13 aggrieved person, the respondent, and the Commission.

14 (d) "Conciliation agreement" means a written agreement between the respondent
15 and the complainant setting forth the resolution of the issues in conciliation.

16 (e) "Discriminatory housing practice" means an act that is prohibited under §
17 20-705, § 20-706, § 20-707, or § 20-708 of this title.

18 (f) "Prevailing party" has the meaning as judicially determined under 42 U.S.C.
19 § 1988.

20 20-1035.

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

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

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

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

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

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

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

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

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

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

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

32 (f) Relief granted under this section may not affect any contract, sale,
33 encumbrance, or lease consummated before the granting of relief and involving a bona fide

1 purchaser, encumbrancer, or tenant without actual notice of the filing of a complaint with
2 the Commission or civil action under this part.

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

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

6 (2) obtain any relief that would be available to the Commission under §
7 20-1036(c) of this subtitle.

8 20-1040.

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

10 (b) "Attorney General" means the Attorney General and the Office of the Attorney
11 General.

12 (c) (1) "Civil rights violation" means an act of discrimination prohibited under
13 the U.S. Constitution, the Maryland Constitution, or State or federal law.

14 (2) "Civil rights violation" includes a discriminatory act as defined in §
15 20-101 of this title.

16 20-1041.

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

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

20 (1) on behalf of an individual;

21 (2) against a political subdivision;

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2026.