

# SENATE BILL 274

D5, C9

6lr1284  
CF 6lr1216

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By: **Senator Sydnor**

Introduced and read first time: January 19, 2026

Assigned to: Judicial Proceedings

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## 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 20–702 and 20–705  
Annotated Code of Maryland  
(2021 Replacement Volume and 2025 Supplement)

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

**Article – Housing and Community Development**

2–402.

(a) The Department:

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

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

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

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

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

(c) This section does not:

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

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

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

**Article – State Government**

20–101.

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

(b) “Commission” means the Commission on Civil Rights.

(d) “Discriminatory act” means an act prohibited under:

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

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

(3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);

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

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

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

20–701.

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

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

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, source of income, or military status; and

(2) to that end, to prohibit discriminatory practices **OR ACTS THAT HAVE A DISCRIMINATORY EFFECT, REGARDLESS OF INTENT**, 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.

20–705.

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

(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, source of income, or military 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, source of income, or military 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, source of income, or military 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, source of income, or military 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, source of income, or military status; **OR**

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

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

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

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

4           **(3) THE PERSON COULD NOT HAVE ACHIEVED THE SUBSTANTIAL,**  
5 **LEGITIMATE, AND NONDISCRIMINATORY INTERESTS BY LESS DISCRIMINATORY**  
6 **MEANS.**

7 20–1020.

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

9           (b) “Aggrieved person” means any person that claims to have been injured by a  
10 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.

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

(ii) Subparagraph (i) of this paragraph does not apply to an action arising from a breach of a 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

(ii) regardless of the status of any complaint.

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

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

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

(1) appoint an attorney for the person; or

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

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

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

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

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

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

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

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

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

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

20–1040.

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

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

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

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

20–1041.

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

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

(1) on behalf of an individual;

(2) against a political subdivision;

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

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

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

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