

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 335

(Senator Love, *et al.*)

Judicial Proceedings

**Human Relations – Discrimination in Housing – Income–Based Housing
Subsidies**

This bill prohibits, except as authorized under federal law, a landlord or residential rental property that uses financial information (including credit history) as part of a prospective tenant's rental application from refusing to rent to a prospective tenant who pays rent with the assistance of an income-based housing subsidy on the basis of the prospective tenant's income, credit score, lack of credit score, or adverse credit history, as specified. The bill establishes such an action as a discriminatory housing practice, subject to enforcement by the Maryland Commission on Civil Rights (MCCR). A landlord that receives funding from a governmental entity, a quasi-governmental entity, or a nonprofit organization that requires income qualification for tenants in income-restricted rental units may collect financial information from a prospective tenant if the collection of such information is a condition of the funding.

Fiscal Summary

State Effect: MCCR can implement the bill using existing budgeted resources. The bill does not otherwise materially affect State operations or finances, as it is assumed that the bill does not significantly impact the workloads of the Judiciary and the Office of Administrative Hearings (OAH).

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Income-based housing subsidy” means recurring monetary assistance to a landlord from a governmental entity or nonprofit organization that is intended to defray, in whole or in part, a tenant’s rent obligation. This includes low-income housing assistance certificates and vouchers issued under the United States Housing Act of 1937.

Current Law: In general, State law prohibits housing discrimination because of race, sex, color, religion, national origin, marital status, familial status, sexual orientation, gender identity, *source* of income, disability, or military status. Discriminatory housing practices include (1) the refusal to rent, sell, or otherwise make available a dwelling; (2) discrimination with regard to terms or conditions of sale or rentals of dwellings; and (3) discrimination with regard to the making or purchasing of loans or providing other financial assistance. Prohibited practices also include retaliation, coercion, intimidation, or threats because a person exercises the rights and protections granted by State law to prevent discrimination.

Chapters 116 and 117 of 2020 established the prohibition of discrimination on the basis of a person’s *source* of income. “Source of income” is any lawful source of money paid directly or indirectly to or on behalf of a renter or buyer of housing, including income from (1) any lawful profession, occupation, or job; (2) any government or private assistance, grant, loan, or rental assistance program, including low-income housing assistance certificates and vouchers; (3) any gift, inheritance, pension, annuity, alimony, child support, or other consideration or benefit; and (4) any sale or pledge of property or an interest in property. Prohibitions against discrimination based on *source* of income do not:

- prohibit a person from determining the ability of a potential buyer or renter to pay a purchase price or pay rent by verifying in a commercially reasonable and nondiscriminatory manner the source and amount of income or creditworthiness of the potential buyer or renter;
- prevent a person from refusing to consider income derived from criminal activity; or
- prohibit a person from determining, in accordance with applicable federal and State laws, the ability of a potential buyer to repay a mortgage loan.

A person claiming to have been injured by a discriminatory housing practice may file a complaint with MCCR. Statutory provisions specify the process and requirements for complaints of housing discrimination, including the responsibilities of MCCR in investigating a claim and attempting conciliation and the circumstances under which a complainant, respondent, or aggrieved person must have an opportunity for an administrative hearing conducted by OAH or may elect to file a civil action in circuit court. If an administrative law judge (ALJ) finds that the respondent has engaged in a discriminatory housing practice, the ALJ may order appropriate relief, including actual damages and injunctive or other relief, and may assess a civil penalty against the

respondent. A court may award actual or punitive damages, grant injunctive relief, and allow reasonable attorney's fees and costs.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 896 and SB 677 of 2025.

Designated Cross File: HB 315 (Delegate Stewart) - Economic Matters.

Information Source(s): Maryland Commission on Civil Rights; Judiciary (Administrative Office of the Courts); Department of Housing and Community Development; Department of Legislative Services

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sj/jkb

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