

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2019, Legislative Day No. 16

Bill No. 49-19

Mr. Tom Quirk, Chairman
By Request of County Executive

By the County Council, October 7, 2019

A BILL
ENTITLED

AN ACT concerning

Human Relations – Housing Opportunity Made Equal (HOME)

FOR the purpose of prohibiting discrimination against a person in the rental, sale, listing, representation or soliciting of housing based on source of income; prohibiting discrimination based on source of income in a restrictive covenant; providing for a certain ~~exception~~ exceptions; amending certain definitions; defining a certain term; and generally relating to discrimination in housing on the basis of source of income.

By repealing and reenacting, with amendments
Sections 29-2-101 and 29-2-102(c)
Article 29. Human Relations
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

By adding
Section 29-2-104(f)
Article 29. Human Relations
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3

4

Article 29. Human Relations

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6 § 29-2-101. DEFINITIONS.

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

8 (b) *DISCRIMINATION.* “DISCRIMINATION” INCLUDES DISCRIMINATION

9 BASED ON SOURCE OF INCOME.

10 (C) *Discriminatory restrictive covenant.* “Discriminatory restrictive covenant” means
11 a specification limiting the transfer or rental of a dwelling because of the person’s race, creed,
12 religion, color, sex, age, national origin, marital status, sexual orientation, gender identity or
13 [expression or] EXPRESSION, status as a veteran, SOURCE OF INCOME, OR physical or
14 mental disability.

15 [(c)] (D) *Housing.*

16 (1) “Housing” means a dwelling for the use of one or more individuals,
17 groups, or families.

18 (2) “Housing” includes a mobile home site or land offered for sale or lease for
19 the construction of a dwelling.

1 [(d)] (E) *Rent.* “Rent” means to rent, lease, sublease, let, or otherwise grant for
2 consideration the right to occupy premises not owned by the occupant.

3 (F) *SOURCE OF INCOME.*

4 (1) “SOURCE OF INCOME” MEANS ANY LAWFUL SOURCE OF MONEY
5 PAID DIRECTLY OR INDIRECTLY TO, OR ON BEHALF OF, A RENTER OR BUYER OF
6 HOUSING.

7 (2) “SOURCE OF INCOME” INCLUDES INCOME FROM:

8 (I) A LAWFUL PROFESSION, OCCUPATION, OR JOB;

9 (II) RECEIPT OF A FEDERAL, STATE, OR LOCAL BENEFIT,

10 INCLUDING:

11 1. RECEIPT OF FEDERAL, STATE, OR LOCAL PUBLIC
12 ASSISTANCE, INCLUDING MEDICAL ASSISTANCE OR DISABILITY BENEFITS, OR
13 RECEIPT OF FEDERAL, STATE, OR LOCAL HOUSING SUBSIDIES, INCLUDING
14 RENTAL ASSISTANCE OR RENTAL SUPPLEMENTS, OR BECAUSE A PERSON IS
15 SUCH A RECIPIENT, OR BECAUSE OF ANY REQUIREMENT OF SUCH PUBLIC
16 ASSISTANCE, RENTAL ASSISTANCE OR HOUSING SUBSIDY;

17 2. HAVING A HISTORY OF RECEIVING BENEFITS AS
18 PROVIDED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH; OR

19 3. BEING REGARDED AS HAVING A HISTORY OF
20 RECEIVING BENEFITS AS PROVIDED UNDER SUBSUBPARAGRAPH 1 OF THIS
21 SUBPARAGRAPH;

22 (III) A GIFT, AN INHERITANCE, A PENSION, ANNUITY,
23 ALIMONY, CHILD SUPPORT, OR OTHER CONSIDERATION OR BENEFITS; OR

1 (IV) THE SALE OR PLEDGE OF PROPERTY OR AN INTEREST IN
2 PROPERTY.

3
4 § 29-2-102. PROHIBITIONS.

5 (c) *Property values; change in nature of neighborhood.* Whether the person is acting
6 for monetary gain or not, a person may not engage in discrimination by representing that the
7 existing or potential proximity of real property owned, used, or occupied by persons of a
8 particular race, creed, religion, physical or mental disability, color, sex, national origin, age,
9 sexual orientation, gender identity or expression, status as a veteran, SOURCE OF INCOME, or
10 marital status will or may result in:

11 (1) The lowering of property values;

12 (2) A change in the racial, religious, or ethnic character of the block,
13 neighborhood, or area in which the property is located; or

14 (3) A decline in quality of the schools and institutions serving the area.
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16 § 29-2-104. EXCEPTIONS.

17 (F) *SOURCE OF INCOME.* THE PROHIBITION IN THIS SUBTITLE AGAINST
18 DISCRIMINATION BASED ON SOURCE OF INCOME DOES NOT:

19 (1) PROHIBIT A PERSON FROM DETERMINING THE ABILITY OF A
20 POTENTIAL BUYER OR RENTER TO PAY A PURCHASE PRICE OR PAY RENT BY
21 VERIFYING, IN A COMMERCIALY REASONABLE AND NONDISCRIMINATORY
22 MANNER, THE SOURCE AND AMOUNT OF INCOME OF THE POTENTIAL RENTER OR
23 BUYER; ~~OR~~

1 (2) PREVENT A PERSON FROM REFUSING TO CONSIDER INCOME
2 DERIVED FROM CRIMINAL ~~ACTIVITY~~ ACTIVITY; OR

3 (3) APPLY TO:

4 (1) THE SALE OR RENTAL OF ANY DWELLING CONTAINING NO
5 MORE THAN FOUR SEPARATE LIVING QUARTERS THEREIN IF:

6 1. THE OWNER DOES NOT OWN MORE THAN THREE
7 SUCH DWELLINGS AT ONE TIME; AND

8 2. THE DWELLING IS SOLD OR RENTED WITHOUT:

9 A. THE USE OF THE SALES OR RENTAL FACILITIES
10 OR SERVICES OF ANY:

11 1. REAL ESTATE BROKER, AGENT OR
12 SALESPERSON;

13 2. AGENT OF ANY REAL ESTATE BROKER,
14 AGENT OR SALESPERSON;

15 3. PERSON IN THE BUSINESS OF SELLING
16 OR RENTING DWELLINGS AS DEFINED IN § 20-701 OF THE STATE GOVERNMENT
17 ARTICLE OF THE ANNOTATED CODE OF MARYLAND; OR

18 4. AGENT OF A PERSON IN THE BUSINESS
19 OF SELLING OR RENTING DWELLINGS AS DEFINED IN § 20-701 OF THE STATE
20 GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; OR

1 B. THE PUBLICATION, POSTING, OR MAILING,
2 AFTER NOTICE, OF ANY ADVERTISEMENT OR WRITTEN NOTICE IN VIOLATION OF
3 THIS TITLE; OR

4 (II) ROOMS OR UNITS IN DWELLINGS CONTAINING LIVING
5 QUARTERS OCCUPIED OR INTENDED TO BE OCCUPIED BY NO MORE THAN FOUR
6 FAMILIES LIVING INDEPENDENTLY OF EACH OTHER, IF THE OWNER ACTUALLY
7 MAINTAINS AND OCCUPIES ONE SUCH LIVING QUARTERS IN THE RESIDENCE.

8
9 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
10 from its enactment.