

FINAL

AMENDED
July 15, 2019

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 31

Bill No. 55-19

Introduced by Mr. Pruski, Chairman
(by request of the County Executive)

and by Ms. Lacey, Mr. Pruski, Ms. Pickard, and Ms. Rodvien

By the County Council, June 3, 2019

Introduced and first read on June 3, 2019
Public Hearing set for and held on July 15, 2019
Public Hearing on AMENDED bill set for and held on September 3, 2019
Bill Expires September 6, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Fair Housing

2
3 FOR the purpose of establishing laws to prevent discriminatory housing practices in the
4 County; adding specific prohibitions relating to discrimination in housing; providing
5 remedies for discrimination in housing; and generally relating to fair housing.

6
7 BY adding: §§ 1-9-101 through 1-9-106 to be under the new title "Title 9. Fair Housing"
8 Anne Arundel County Code (2005, as amended)

9
10 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
11 That Sections of the Anne Arundel County Code (2005, as amended) read as follows:

12 ARTICLE 1. GENERAL PROVISIONS

13 TITLE 9. FAIR HOUSING

14 1-9-101. Definitions.

15
16 IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

17
18 (1) "DISCRIMINATE" OR "DISCRIMINATION" MEANS ACTING, FAILING TO ACT, OR
19 UNDULY DELAYING ACTION REGARDING A PERSON BECAUSE OF AGE, ANCESTRY,
20
21

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 CITIZENSHIP, COLOR, CREED, DISABILITY, FAMILIAL STATUS, GENDER IDENTITY OR
2 EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OCCUPATION, RACE, RELIGION, SEX,
3 SEXUAL ORIENTATION, OR SOURCE OF INCOME IN SUCH A WAY THAT THE PERSON IS
4 ADVERSELY AFFECTED IN THE AREA OF HOUSING.

5
6 (2) "DISCRIMINATORY RESTRICTIVE COVENANT" MEANS A SPECIFICATION
7 LIMITING THE TRANSFER OR RENTAL OF A DWELLING BECAUSE OF THE PERSON'S AGE,
8 ANCESTRY, CITIZENSHIP, COLOR, CREED, DISABILITY, FAMILIAL STATUS, GENDER
9 IDENTITY OR EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OCCUPATION, RACE,
10 RELIGION, SEX, SEXUAL ORIENTATION, OR SOURCE OF INCOME.

11
12 (3) "HOUSING" MEANS A DWELLING UNIT, INCLUDING A MOBILE HOME, FOR THE
13 USE OF ONE OR MORE INDIVIDUALS, GROUPS, OR FAMILIES, AND THE DEFINITION
14 INCLUDES THE SITE UPON WHICH THE DWELLING EXISTS AND LAND OFFERED FOR SALE
15 OR LEASE FOR THE CONSTRUCTION OF A DWELLING.

16
17 (4) "PROTECTED CLASS" MEANS THOSE PERSONS PROTECTED FROM
18 DISCRIMINATION BASED ON AGE, ANCESTRY, CITIZENSHIP, COLOR, CREED, DISABILITY,
19 FAMILIAL STATUS, GENDER IDENTITY OR EXPRESSION, MARITAL STATUS, NATIONAL
20 ORIGIN, OCCUPATION, RACE, RELIGION, SEX, SEXUAL ORIENTATION, OR SOURCE OF
21 INCOME.

22
23 (5) "RENT" MEANS TO RENT, LEASE, SUBLEASE, OR OTHERWISE GRANT FOR
24 CONSIDERATION THE RIGHT TO OCCUPY PREMISES NOT OWNED BY THE OCCUPANT.

25
26 (6) "SEXUAL ORIENTATION" MEANS THE PREFERENCE OR PRACTICE OF AN
27 INDIVIDUAL AS TO MALE OR FEMALE HOMOSEXUALITY, HETEROSEXUALITY, OR
28 BISEXUALITY, OR BEING REGARDED AS HAVING SUCH A PREFERENCE OR PRACTICE.

29
30 (7) (I) "SOURCE OF INCOME" MEANS ANY LAWFUL SOURCE OF MONEY THAT IS
31 PAID TO OR FOR THE BENEFIT OF A BUYER OR RENTER OF HOUSING, INCLUDING MONEY
32 FROM:

33
34 (1.) A LAWFUL PROFESSION OR OCCUPATION;

35
36 (2.) A FEDERAL, STATE, OR LOCAL GOVERNMENT ASSISTANCE, GRANT, OR
37 LOAN PROGRAM;

38
39 (3.) A GIFT OR INHERITANCE, OTHERWISE LEGALLY CONSIDERED A SOURCE
40 OF INCOME, PROVIDED THAT A PURCHASE OR LEASE AGREEMENT IS EXECUTED;

41
42 (4.) A PENSION OR ANNUITY;

43
44 (5.) ALIMONY OR CHILD SUPPORT;

45
46 (6.) FINANCIAL HOLDINGS, SUCH AS BANK, TRUST, OR INVESTMENT
47 ACCOUNTS; STOCKS; AND BONDS; AND

48
49 (7.) ANY CONTRACT RIGHT, SALE, OR PLEDGE OF AN INTEREST IN
50 PROPERTY.

51
52 (II) "SOURCE OF INCOME" DOES NOT INCLUDE THE DETERMINATION OF A
53 PERSON'S ABILITY TO PAY A PURCHASE PRICE OR TO PAY RENT, WHICH IS DETERMINED
54 BY SUCH REASONABLE AND CUSTOMARY STANDARDS AS VERIFICATION OF INCOME AND
55 ITS SOURCE, THE CREDITWORTHINESS OF THE RENTER OR BUYER, AND THE
56 CREDITWORTHINESS OF ANY SOURCE OF INCOME.

1 **1-9-102. Public policy and purpose.**

2
3 (A) DISCRIMINATION IN HOUSING IS CONTRARY TO THE PUBLIC POLICY OF ANNE
4 ARUNDEL COUNTY.

5
6 (B) THE PURPOSE OF THIS TITLE IS TO ELIMINATE DISCRIMINATION IN HOUSING IN
7 ANNE ARUNDEL COUNTY AND TO PROMOTE AND ENHANCE THE ABILITY OF ALL COUNTY
8 RESIDENTS TO PURSUE THEIR LIVES FREE OF DISCRIMINATION IN HOUSING.
9

10 **1-9-103. Prohibitions.**

11
12 (A) **Sale or rental of housing.** A PERSON WHO SELLS OR OFFERS TO SELL, RENTS OR
13 OFFERS TO RENT, CONTROLS, CONSTRUCTS, OR MANAGES HOUSING MAY NOT
14 DISCRIMINATE BY:

15
16 (1) MAKING OR CAUSING THE MAKING, PRINTING, OR PUBLISHING OF A NOTICE,
17 STATEMENT, OR ADVERTISEMENT REGARDING THE SALE OR RENTAL OF HOUSING THAT
18 INDICATES A PREFERENCE OR LIMITATION WITH RESPECT TO A MEMBER OF A PROTECTED
19 CLASS;

20
21 (2) REPRESENTING TO A MEMBER OF A PROTECTED CLASS THAT HOUSING IS NOT
22 AVAILABLE FOR INSPECTION, SALE, OR RENTAL IF THE HOUSING IS IN FACT AVAILABLE;

23
24 (3) REFUSING TO NEGOTIATE FOR THE SALE OR RENTAL OF HOUSING TO A MEMBER
25 OF A PROTECTED CLASS;

26
27 (4) REFUSING TO SELL OR RENT HOUSING TO A MEMBER OF A PROTECTED CLASS
28 AFTER THE MAKING OF A BONA FIDE OFFER;

29
30 (5) REFUSING TO MAKE HOUSING AVAILABLE TO A MEMBER OF A PROTECTED
31 CLASS;

32
33 (6) RESTRICTING THE TERMS, CONDITIONS, OR PRIVILEGES OF THE SALE OR
34 RENTAL OF HOUSING TO A MEMBER OF A PROTECTED CLASS;

35
36 (7) RESTRICTING THE PROVISION OF SERVICES OR FACILITIES TO A MEMBER OF A
37 PROTECTED CLASS IN CONNECTION WITH THE SALE OR RENTAL OF HOUSING;

38
39 (8) INCLUDING A DISCRIMINATORY RESTRICTIVE COVENANT IN A DOCUMENT
40 RELATING TO THE SALE OR RENTAL OF HOUSING; OR

41
42 (9) HONORING, ENFORCING, OR ATTEMPTING TO HONOR OR ENFORCE A
43 DISCRIMINATORY RESTRICTIVE COVENANT.
44

45 (B) **Restricting access, membership, or participation in certain business entities.** A
46 PERSON MAY NOT DISCRIMINATE BY DENYING A MEMBER OF THE PROTECTED CLASS
47 ACCESS, MEMBERSHIP, OR PARTICIPATION IN OR RESTRICTING THE TERMS AND
48 CONDITIONS OF ACCESS, MEMBERSHIP, OR PARTICIPATION IN A BUSINESS ENTITY
49 RELATING TO THE SALE OR RENTAL OF HOUSING, SUCH AS A MULTIPLE LISTING SERVICE
50 OR REAL ESTATE BROKERS' ORGANIZATION.
51

52 (C) **Solicitation of sales through prohibited representations; false signs to sell or**
53 **rent.** A PERSON MAY NOT DISCRIMINATE:

54
55 (1) BY KNOWINGLY INDUCING OR ATTEMPTING TO INDUCE A PERSON TO SELL OR
56 TRANSFER AN INTEREST IN HOUSING BY REPRESENTING THAT THE EXISTING OR

1 POTENTIAL PROXIMITY OF HOUSING OWNED, RENTED, USED, OR OCCUPIED BY A MEMBER
2 OR MEMBERS OF A PROTECTED CLASS WILL OR MAY RESULT IN:

3
4 (I) THE LOWERING OF PROPERTY VALUES;

5
6 (II) A CHANGE IN THE CHARACTER OF THE BLOCK, NEIGHBORHOOD, OR AREA
7 IN WHICH THE HOUSING IS LOCATED; OR

8
9 (III) A DECLINE IN THE QUALITY OF THE SCHOOLS AND INSTITUTIONS SERVING
10 THE AREA.

11
12 (2) BY PLACING A SIGN, DISPLAY, OR DEVICE DESIGNED TO INDICATE THAT A BONA
13 FIDE OFFER IS BEING MADE TO SELL OR RENT HOUSING IF, IN FACT, THE HOUSING IS NOT
14 OFFERED FOR SALE OR RENT.

15
16 (D) **Aiding or abetting.** A PERSON MAY NOT AID, ABET, INCITE, COMPEL, OR COERCE
17 ANY PERSON TO COMMIT A DISCRIMINATORY ACT UNDER THIS SECTION OR ATTEMPT,
18 DIRECTLY OR INDIRECTLY, ALONE OR IN CONCERT WITH OTHERS, TO COMMIT A
19 DISCRIMINATORY ACT.

20
21 **1-9-104. Discriminatory restrictive covenants.**

22
23 (A) **Void.** EXCEPT AS PROVIDED IN § 1-9-105, DISCRIMINATORY RESTRICTIVE
24 COVENANTS ARE CONTRARY TO THE PUBLIC POLICY OF THE COUNTY AND ARE VOID AND
25 OF NO EFFECT.

26
27 (B) **Refusal to accept documents containing a discriminatory restrictive covenant.**
28 A PERSON MAY REFUSE TO ACCEPT A DOCUMENT AFFECTING TITLE TO REAL PROPERTY,
29 WHETHER IN CONNECTION WITH A SALE, LEASE, MORTGAGE, OR OTHERWISE, IF THE
30 DOCUMENT INCLUDES A DISCRIMINATORY RESTRICTIVE COVENANT. THE REFUSAL TO
31 ACCEPT A DOCUMENT WITH A DISCRIMINATORY RESTRICTIVE COVENANT MAY NOT BE
32 DEEMED A BREACH OF ANY CONTRACT, INCLUDING A CONTRACT TO SELL, RENT, OR
33 MORTGAGE THE PROPERTY.

34
35 **1-9-105. Exceptions.**

36
37 (A) **Age restrictions.** WITH RESPECT TO DISCRIMINATION BASED ON AGE, THIS TITLE
38 DOES NOT APPLY TO:

39
40 (1) A MEDICAL, HEALTH, OR EDUCATIONAL INSTITUTION ESTABLISHED FOR A
41 SPECIFIC AGE GROUP;

42
43 (2) ASSISTED LIVING FACILITIES, ADULT INDEPENDENT DWELLING UNITS,
44 HOUSING FOR THE ELDERLY OF MODERATE MEANS, AND NURSING HOMES, AS DEFINED IN
45 ARTICLE 18 OF THIS CODE;

46
47 (3) CHILD CARE CENTERS, AS DEFINED BY ARTICLE 18 OF THIS CODE, AND ANY
48 OTHER FACILITIES FOR PRESCHOOL CHILDREN LICENSED AS REQUIRED IN THE FAMILY
49 LAW ARTICLE OF THE STATE CODE; OR

50
51 (4) AGE RESTRICTED RESIDENTIAL DEVELOPMENT, AS PROVIDED IN § 17-7-501 OF
52 THIS CODE.

53
54 (B) **Private membership clubs.** THIS TITLE DOES NOT PROHIBIT A PRIVATE CLUB, NOT
55 IN FACT OPEN TO THE PUBLIC, THAT AS INCIDENTAL TO ITS PRIMARY PURPOSE PROVIDES
56 HOUSING, WHICH IT OWNS OR OPERATES FOR OTHER THAN A COMMERCIAL PURPOSE,
57 FROM LIMITING THE RENTAL OR OCCUPANCY OF THE HOUSING TO ITS MEMBERS OR FROM
58 GIVING PREFERENCE TO ITS MEMBERS.

1 (C) **Religious organizations.** A RELIGIOUS ORGANIZATION, ASSOCIATION, OR
2 SOCIETY, OR A NONPROFIT INSTITUTION OR ORGANIZATION OPERATED, SUPERVISED, OR
3 CONTROLLED BY OR IN CONJUNCTION WITH A RELIGIOUS ORGANIZATION, ASSOCIATION,
4 OR SOCIETY, MAY LIMIT THE SALE, RENTAL, OR OCCUPANCY OF HOUSING THAT IT OWNS
5 OR OPERATES FOR OTHER THAN COMMERCIAL PURPOSES TO PERSONS OF THE SAME
6 RELIGION AND MAY GIVE PREFERENCES TO PERSONS OF THE SAME RELIGION.
7

8 (D) **Veterans.** THIS SUBTITLE DOES NOT PROHIBIT A PERSON FROM PROVIDING
9 PREFERENCES IN THE SALE, RENTAL, OR OCCUPANCY OF HOUSING TO A VETERAN AND
10 THE VETERAN'S HOUSEHOLD, TO THE EXTENT AUTHORIZED BY FEDERAL OR STATE LAW.
11

12 **1-9-106. Sanctions.**

13
14 ~~(A) **Fines and penalties.** A VIOLATION OF THIS TITLE IS A CLASS A CIVIL OFFENSE AND
15 MAY RESULT IN THE IMPOSITION OF FINES OR PENALTIES NOT EXCEEDING THOSE
16 PROVIDED IN § 9-2-101 OF THIS CODE. THE FEDERAL FAIR HOUSING ACT AMENDMENTS OF
17 1988 FOR ENFORCEMENT OF SIMILAR FEDERAL FAIR HOUSING LAWS.~~

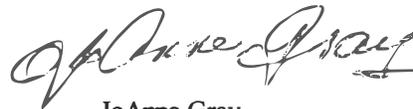
18
19 ~~(B) **Inapplicability of other Code provisions.** A VIOLATION OF THIS TITLE IS NOT
20 SUBJECT TO § 9-1-101 OF THIS CODE.~~

21
22 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
23 from the date it becomes law.

AMENDMENTS ADOPTED: July 15, 2019

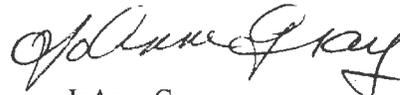
READ AND PASSED this 3rd day of September, 2019

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 4th day of September, 2019



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 12th day of September, 2019

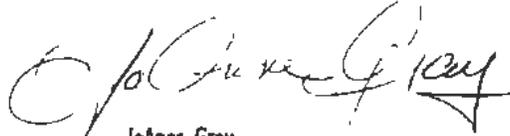


Steuart Pittman
County Executive

EFFECTIVE DATE:

OCT 27 2019

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
 6 9 . THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "JoAnne Gray". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JoAnne Gray
Administrative Officer