A BILL ENTITLED

AN ORDINANCE concerning: Fair Housing

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

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

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

ARTICLE 1. GENERAL PROVISIONS

TITLE 9. FAIR HOUSING


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

(1) “DISCRIMINATE” OR “DISCRIMINATION” MEANS ACTING, FAILING TO ACT, OR UNDULY DELAYING ACTION REGARDING A PERSON BECAUSE OF AGE, ANCESTRY,
CITIZENSHIP, COLOR, CREED, DISABILITY, FAMILIAL STATUS, GENDER IDENTITY OR EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OCCUPATION, RACE, RELIGION, SEX, SEXUAL ORIENTATION, OR SOURCE OF INCOME IN SUCH A WAY THAT THE PERSON IS ADVERSELY AFFECTED IN THE AREA OF HOUSING.

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

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

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

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

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

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

(1.) A LAWFUL PROFESSION OR OCCUPATION;

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

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

(4.) A PENSION OR ANNUITY;

(5.) ALIMONY OR CHILD SUPPORT;

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

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

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

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

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

1-9-103. Prohibitions.

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

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

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

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

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

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

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

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

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

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

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

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

(1) BY KNOWINGLY INDUCING OR ATTEMPTING TO INDUCE A PERSON TO SELL OR TRANSFER AN INTEREST IN HOUSING BY REPRESENTING THAT THE EXISTING OR
(I) The lowering of property values;

(II) A change in the character of the block, neighborhood, or area in which the housing is located; or

(III) A decline in the quality of the schools and institutions serving the area.

(2) By placing a sign, display, or device designed to indicate that a bona fide offer is being made to sell or rent housing if, in fact, the housing is not offered for sale or rent.

(D) Aiding or abetting. A person may not aid, abet, incite, compel, or coerce any person to commit a discriminatory act under this section or attempt, directly or indirectly, alone or in concert with others, to commit a discriminatory act.

1-9-104. Discriminatory restrictive covenants.

(A) Void. Except as provided in § 1-9-105, discriminatory restrictive covenants are contrary to the public policy of the county and are void and of no effect.

(B) Refusal to accept documents containing a discriminatory restrictive covenant. A person may refuse to accept a document affecting title to real property, whether in connection with a sale, lease, mortgage, or otherwise, if the document includes a discriminatory restrictive covenant. The refusal to accept a document with a discriminatory restrictive covenant may not be deemed a breach of any contract, including a contract to sell, rent, or mortgage the property.

1-9-105. Exceptions.

(A) Age restrictions. With respect to discrimination based on age, this title does not apply to:

(1) A medical, health, or educational institution established for a specific age group;

(2) Assisted living facilities, adult independent dwelling units, housing for the elderly of moderate means, and nursing homes, as defined in Article 18 of this code;

(3) Child care centers, as defined by Article 18 of this code, and any other facilities for preschool children licensed as required in the Family Law Article of the State Code; or

(4) Age restricted residential development, as provided in § 17-7-501 of this code.

(B) Private membership clubs. This title does not prohibit a private club, not in fact open to the public, that as incidental to its primary purpose provides housing, which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the housing to its members or from giving preference to its members.
(C) Religious organizations. A RELIGIOUS ORGANIZATION, ASSOCIATION, OR SOCIETY, OR A NONPROFIT INSTITUTION OR ORGANIZATION OPERATED, SUPERVISED, OR CONTROLLED BY OR IN CONJUNCTION WITH A RELIGIOUS ORGANIZATION, ASSOCIATION, OR SOCIETY, MAY LIMIT THE SALE, RENTAL, OR OCCUPANCY OF HOUSING THAT IT OWNS OR OPERATES FOR OTHER THAN COMMERCIAL PURPOSES TO PERSONS OF THE SAME RELIGION AND MAY GIVE PREFERENCES TO PERSONS OF THE SAME RELIGION.

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

1-9-106. Sanctions.

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

(B) Inapplicability of other Code provisions. A VIOLATION OF THIS TITLE IS NOT SUBJECT TO $ 9-1-101 OF THIS CODE.

SECTION 2. And be it further enacted, That this Ordinance shall take effect 45 days 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. 55-19, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.

JoAnne Gray
Administrative Officer