

# HOUSE BILL 560

D5, C8  
HB 106/16 – ENV

11r0353  
CF 11r1237

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By: **Delegate Fennell**

Introduced and read first time: January 20, 2021

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Discrimination in Housing – Reentry–Into–Society Status**

3 FOR the purpose of expanding the housing policy of the State to include providing for fair  
4 housing to all citizens regardless of reentry–into–society status; prohibiting a person  
5 from refusing to sell or rent a dwelling to any person because of reentry–into–society  
6 status; prohibiting a person from discriminating against any person in the terms,  
7 conditions, or privileges of the sale or rental of a dwelling because of  
8 reentry–into–society status; prohibiting a person from making, printing, or  
9 publishing certain types of materials with respect to the sale or rental of a dwelling  
10 that indicate a preference, limitation, or discrimination on the basis of  
11 reentry–into–society status; prohibiting a person from falsely representing that a  
12 dwelling is not available for inspection, sale, or rental based on reentry–into–society  
13 status; prohibiting a person from inducing or attempting to induce, for profit, a  
14 person to sell or rent a dwelling by making certain representations relating to the  
15 entry or prospective entry into the neighborhood of a person having a particular  
16 reentry–into–society status; prohibiting a person whose business includes engaging  
17 in residential real estate–related transactions from discriminating against any  
18 person in making available a transaction or in the terms or conditions of a  
19 transaction because of reentry–into–society status; prohibiting a person from  
20 denying a person, based on reentry–into–society status, access to, or membership or  
21 participation in, a service, an organization, or a facility relating to the business of  
22 selling or renting dwellings, or discriminating against a person in the terms or  
23 conditions of membership or participation; prohibiting a person from, by force or  
24 threat of force, willfully injuring, intimidating, or interfering with any person  
25 because of reentry–into–society status because the person is negotiating for the sale  
26 or rental of any dwelling or participating in any service relating to the business of  
27 selling or renting dwellings; providing that this Act does not limit the rights or  
28 remedies that are otherwise available to a landlord or tenant under any other law;  
29 defining a certain term; and generally relating to prohibitions against discrimination  
30 in housing based on reentry–into–society status.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – State Government  
3 Section 20–701, 20–702, 20–705, 20–707, and 20–1103  
4 Annotated Code of Maryland  
5 (2014 Replacement Volume and 2020 Supplement)

6 BY repealing and reenacting, without amendments,  
7 Article – State Government  
8 Section 20–703 and 20–704  
9 Annotated Code of Maryland  
10 (2014 Replacement Volume and 2020 Supplement)

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

13 **Article – State Government**

14 20–701.

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

16 (b) (1) “Disability” means:

17 (i) a physical or mental impairment that substantially limits one or  
18 more of an individual’s major life activities;

19 (ii) a record of having a physical or mental impairment that  
20 substantially limits one or more of an individual’s major life activities; or

21 (iii) being regarded as having a physical or mental impairment that  
22 substantially limits one or more of an individual’s major life activities.

23 (2) “Disability” does not include the current illegal use of or addiction to:

24 (i) a controlled dangerous substance, as defined in § 5–101 of the  
25 Criminal Law Article; or

26 (ii) a controlled substance, as defined in 21 U.S.C. § 802.

27 (c) “Discriminatory housing practice” means an act that is prohibited under §  
28 20–705, § 20–706, § 20–707, or § 20–708 of this subtitle.

29 (d) “Dwelling” means:

30 (1) any building, structure, or portion of a building or structure that is  
31 occupied, or designed or intended for occupancy, as a residence by one or more families; and

1           (2) any vacant land that is offered for sale or lease for the construction or  
2 location on the land of any building, structure, or portion of a building or structure  
3 described in item (1) of this subsection.

4           (e) (1) “Familial status” means the status of one or more minors who are  
5 domiciled with:

6                   (i) a parent or other person having legal custody of the minor; or

7                   (ii) the designee of a parent or other person having legal custody of  
8 the minor with the written permission of the parent or other person.

9           (2) “Familial status” includes the status of being:

10                   (i) a pregnant woman; or

11                   (ii) an individual who is in the process of securing legal custody of a  
12 minor.

13           (f) “Family” includes a single individual.

14           (g) “In the business of selling or renting dwellings” means:

15                   (1) within the preceding 12 months, participating as a principal in three or  
16 more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

17                   (2) within the preceding 12 months, participating as an agent, other than  
18 in the sale of the individual’s own personal residence, in providing sales or rental facilities  
19 or services in two or more transactions involving the sale or rental of any dwelling or any  
20 interest in a dwelling; or

21                   (3) being the owner of any dwelling occupied, or designed or intended for  
22 occupancy, by five or more families.

23           (h) “Marital status” means the state of being single, married, separated, divorced,  
24 or widowed.

25           **(I) “REENTRY-INTO-SOCIETY STATUS” MEANS THE STATE OF HAVING**  
26 **COMPLETED A COURT-ORDERED SENTENCE OF IMPRISONMENT.**

27           **[(i)] (J)** “Rent” includes to lease, sublease, let, or otherwise grant for a  
28 consideration the right to occupy premises not owned by the occupant.

29           **[(j)] (K)** (1) “Source of income” means any lawful source of money paid  
30 directly or indirectly to or on behalf of a renter or buyer of housing.

31                   (2) “Source of income” includes income from:

- 1 (i) a lawful profession, occupation, or job;
- 2 (ii) any government or private assistance, grant, loan, or rental  
3 assistance program, including low-income housing assistance certificates and vouchers  
4 issued under the United States Housing Act of 1937;
- 5 (iii) a gift, an inheritance, a pension, an annuity, alimony, child  
6 support, or any other consideration or benefit; or
- 7 (iv) the sale or pledge of property or an interest in property.

8 20-702.

9 (a) It is the policy of the State:

10 (1) to provide for fair housing throughout the State to all, regardless of  
11 race, color, religion, sex, familial status, national origin, marital status, sexual orientation,  
12 gender identity, disability, [or] source of income, **OR REENTRY-INTO-SOCIETY STATUS**;  
13 and

14 (2) to that end, to prohibit discriminatory practices with respect to  
15 residential housing by any person, in order to protect and ensure the peace, health, safety,  
16 prosperity, and general welfare of all.

17 (b) This subtitle:

18 (1) is an exercise of the police power of the State for the protection of the  
19 people of the State; and

20 (2) shall be administered and enforced by the Commission and, as provided  
21 in this title, enforced by the appropriate State court.

22 20-703.

23 This subtitle does not:

24 (1) invalidate or limit any local law that requires dwellings to be designed  
25 and constructed in a manner that affords an individual with a disability greater access than  
26 is required by § 20-706(b) of this subtitle;

27 (2) limit the applicability of any reasonable local, State, or federal  
28 restrictions regarding the maximum number of occupants allowed to occupy a dwelling;

29 (3) prohibit the State or a local government from enacting standards that  
30 govern the location of group homes, as defined in § 4-601 of the Housing and Community  
31 Development Article;

1           (4)     affect the powers of any local government to enact an ordinance on any  
2 subject covered by this subtitle, provided that the ordinance does not authorize any act that  
3 would be a discriminatory housing practice under this subtitle;

4           (5)     require that a dwelling be made available to an individual whose  
5 tenancy would:

6           (i)     constitute a direct threat to the health or safety of other  
7 individuals; or

8           (ii)    result in substantial physical damage to the property of others;

9           (6)     prohibit conduct against a person because the person has been  
10 convicted by a court of competent jurisdiction of the illegal manufacture or distribution of:

11           (i)     a controlled dangerous substance, as defined in § 5–101 of the  
12 Criminal Law Article; or

13           (ii)    a controlled substance, as defined in 21 U.S.C. § 802;

14           (7)     unless membership in the religion is restricted on the basis of race,  
15 color, or national origin, prohibit a religious organization, association, or society or any  
16 nonprofit institution or organization operated, supervised, or controlled by or in conjunction  
17 with a religious organization, association, or society from giving preference or limiting the  
18 sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial  
19 purpose to persons of the same religion; or

20           (8)     prohibit a private club that is not open to the public and that, as an  
21 incident to its primary purpose or purposes, provides lodgings that it owns or operates for  
22 other than a commercial purpose, from limiting the rental or occupancy of the dwellings to  
23 its members or from giving preference to its members.

24 20–704.

25           (a)     This subtitle does not apply to:

26           (1)     the sale or rental of a single–family dwelling, if the dwelling is sold or  
27 rented without:

28           (i)     the use of the sales or rental facilities or services of any:

29                   1.     real estate broker, agent, or salesperson;

30                   2.     agent of any real estate broker, agent, or salesperson;

31                   3.     person in the business of selling or renting dwellings; or

1                                   4.     agent of a person in the business of selling or renting  
2 dwellings; or

3                                   (ii)   the publication, posting, or mailing, after notice, of any  
4 advertisement or written notice in violation of this subtitle; and

5                                   (2)   with respect to discrimination on the basis of sex, sexual orientation,  
6 gender identity, marital status, or source of income if the source of income is low-income  
7 housing assistance certificates or vouchers issued under the United States Housing Act of  
8 1937:

9                                   (i)   the rental of rooms in any dwelling, if the owner maintains the  
10 dwelling as the owner's principal residence; or

11                                   (ii)   the rental of any apartment in a dwelling that contains not more  
12 than five rental units, if the owner maintains the dwelling as the owner's principal  
13 residence.

14                                   (b)   The use of attorneys, escrow agents, abstractors, title companies, and other  
15 similar professional assistance as necessary to perfect or transfer the title to a  
16 single-family dwelling does not subject a person to this subtitle if the person otherwise  
17 would be exempted under subsection (a) of this section.

18                                   (c)   (1)   (i)   In this subsection, "housing for older persons" means housing:

19   1.     provided under any State or federal program that is  
20 specifically designed and operated to assist elderly persons, as defined in the State or  
21 federal program;

22   2.     intended for, and solely occupied by, persons who are at  
23 least 62 years old;

24   3.     intended and operated for occupancy by at least one person  
25 who is at least 55 years old in each unit; or

26   4.     that meets the requirements set forth in regulations  
27 adopted by the Secretary of Housing and Urban Development under 42 U.S.C. §  
28 3607(b)(2)(C).

29                                   (ii)   "Housing for older persons" includes:

30   1.     unoccupied units, if the units are reserved for occupancy  
31 by persons who meet the age requirements of subparagraph (i) of this paragraph; or

1                   2.       units occupied as of September 13, 1988 by persons who  
2 do not meet the age requirements of subparagraph (i) of this paragraph, if the new occupant  
3 of the unit meets the age requirement.

4                   (2)       The provisions in this subtitle concerning familial status do not apply  
5 to housing for older persons.

6                   (d)       The prohibitions in this subtitle against discrimination based on source of  
7 income do not:

8                   (1)       prohibit a person from determining the ability of a potential buyer or  
9 renter to pay a purchase price or pay rent by verifying in a commercially reasonable and  
10 nondiscriminatory manner the source and amount of income or creditworthiness of the  
11 potential buyer or renter;

12                   (2)       prevent a person from refusing to consider income derived from any  
13 criminal activity; or

14                   (3)       prohibit a person from determining, in accordance with applicable  
15 federal and State laws, the ability of a potential buyer to repay a mortgage loan.

16 20–705.

17                   Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

18                   (1)       refuse to sell or rent after the making of a bona fide offer, refuse to  
19 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any  
20 person because of race, color, religion, sex, disability, marital status, familial status, sexual  
21 orientation, gender identity, national origin, [or] source of income, **OR**  
22 **REENTRY–INTO–SOCIETY STATUS**;

23                   (2)       discriminate against any person in the terms, conditions, or privileges  
24 of the sale or rental of a dwelling, or in the provision of services or facilities in connection  
25 with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital  
26 status, familial status, sexual orientation, gender identity, national origin, [or] source of  
27 income, **OR REENTRY–INTO–SOCIETY STATUS**;

28                   (3)       make, print, or publish, or cause to be made, printed, or published, any  
29 notice, statement, or advertisement with respect to the sale or rental of a dwelling that  
30 indicates any preference, limitation, or discrimination based on race, color, religion, sex,  
31 disability, marital status, familial status, sexual orientation, gender identity, national  
32 origin, [or] source of income, **OR REENTRY–INTO–SOCIETY STATUS**, or an intention to  
33 make any preference, limitation, or discrimination;

34                   (4)       represent to any person, because of race, color, religion, sex, disability,  
35 marital status, familial status, sexual orientation, gender identity, national origin, [or]

1 source of income, **OR REENTRY-INTO-SOCIETY STATUS**, that any dwelling is not  
2 available for inspection, sale, or rental when the dwelling is available; or

3 (5) for profit, induce or attempt to induce any person to sell or rent any  
4 dwelling by representations regarding the entry or prospective entry into the neighborhood  
5 of a person of a particular race, color, religion, sex, disability, marital status, familial status,  
6 sexual orientation, gender identity, national origin, [or] source of income, **OR**  
7 **REENTRY-INTO-SOCIETY STATUS**.

8 20-707.

9 (a) In this section, “residential real estate-related transaction” means:

10 (1) the making or purchasing of loans or providing other financial  
11 assistance:

12 (i) for purchasing, constructing, improving, repairing, or  
13 maintaining a dwelling; or

14 (ii) secured by residential real estate; or

15 (2) the selling, brokering, or appraising of residential real property.

16 (b) (1) A person whose business includes engaging in residential real  
17 estate-related transactions may not discriminate against any person in making available  
18 a transaction, or in the terms or conditions of a transaction, because of race, color, religion,  
19 sex, disability, marital status, familial status, sexual orientation, gender identity, national  
20 origin, [or] source of income, **OR REENTRY-INTO-SOCIETY STATUS**.

21 (2) Paragraph (1) of this subsection does not prohibit a person engaged in  
22 the business of furnishing appraisals of real property from taking into consideration factors  
23 other than race, color, religion, sex, disability, marital status, familial status, sexual  
24 orientation, gender identity, national origin, [or] source of income, **OR**  
25 **REENTRY-INTO-SOCIETY STATUS**.

26 (c) A person may not, because of race, color, religion, sex, disability, marital  
27 status, familial status, sexual orientation, gender identity, national origin, [or] source of  
28 income, **OR REENTRY-INTO-SOCIETY STATUS**:

29 (1) deny a person access to, or membership or participation in, a  
30 multiple-listing service, real estate brokers’ organization, or other service, organization, or  
31 facility relating to the business of selling or renting dwellings; or

32 (2) discriminate against a person in the terms or conditions of membership  
33 or participation.



1 20-1103.

2 (a) In this section, “disability”, “dwelling”, “familial status”, “marital status”,  
3 **“REENTRY-INTO-SOCIETY STATUS”**, “rent”, and “source of income” have the meanings  
4 stated in § 20-701 of this title.

5 (b) Whether or not acting under color of law, a person may not, by force or threat  
6 of force, willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or  
7 interfere with:

8 (1) any person because of race, color, religion, sex, disability, marital  
9 status, familial status, sexual orientation, gender identity, national origin, [or] source of  
10 income, **OR REENTRY-INTO-SOCIETY STATUS** and because the person is or has been:

11 (i) selling, purchasing, renting, financing, occupying, or contracting  
12 or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling; or

13 (ii) applying for or participating in any service, organization, or  
14 facility relating to the business of selling or renting dwellings;

15 (2) any person because the person is or has been, or in order to intimidate  
16 the person or any other person or any class of persons from:

17 (i) participating, without discrimination on account of race, color,  
18 religion, sex, disability, marital status, familial status, sexual orientation, gender identity,  
19 national origin, [or] source of income, **OR REENTRY-INTO-SOCIETY STATUS**, in any of  
20 the activities, services, organizations, or facilities described in item (1) of this subsection;  
21 or

22 (ii) affording another person or class of persons the opportunity or  
23 protection to participate in any of the activities, services, organizations, or facilities  
24 described in item (1) of this subsection; or

25 (3) any person because the person is or has been, or in order to discourage  
26 the person or any other person from:

27 (i) lawfully aiding or encouraging other persons to participate,  
28 without discrimination on account of race, color, religion, sex, disability, marital status,  
29 familial status, sexual orientation, gender identity, national origin, [or] source of income,  
30 **OR REENTRY-INTO-SOCIETY STATUS**, in any of the activities, services, organizations, or  
31 facilities described in item (1) of this subsection; or

32 (ii) participating lawfully in speech or peaceful assembly opposing  
33 any denial of the opportunity to participate in any of the activities, services, organizations,  
34 or facilities described in item (1) of this subsection.

1 (c) A person who violates this section is guilty of a misdemeanor and on conviction  
2 is subject to:

3 (1) imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or  
4 both;

5 (2) if the violation results in bodily injury, imprisonment not exceeding 10  
6 years or a fine not exceeding \$10,000 or both; or

7 (3) if the violation results in death, imprisonment not exceeding life.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not limit the  
9 rights or remedies that otherwise are available to a landlord or tenant under any other law.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2021.