



House Bill 1561– Discriminatory Housing Practices -- Intent

Position: Oppose

Maryland REALTORS® oppose HB 1561 which would establish a different standard for a disparate impact claim in Maryland than the test under federal law.

While REALTORS® support the legal concept of disparate impact and the current “burden-shifting framework,” the standards under HB 1561 could establish a rule inconsistent with federal rules. While REALTORS® share concern over language in the proposed federal rule that requires a plaintiff to demonstrate the business goals of an entity are “arbitrary, artificial, or unnecessary,” it is unclear at this time what standard will ultimately be adopted federally.

HB 1561 uses language that would be more consistent with at least one change in the proposed rule -- changing a “substantial and legitimate” business practice to a “legitimate” business practice. While that language is close to the position of the REALTORS®, it is too soon to know if that standard will be adopted.

REALTORS® believe that there should be consistency among HUD, other federal, state, and local laws to limit conflicts with fair housing rules and for that reason recommends an unfavorable report.

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