



LEGISLATIVE SUMMARY

To: All Councilmembers of the Anne Arundel County Council
From: Linda M. Schuett, Legislative Counsel
Date: June 3, 2019
Subject: Bill No. 55-19 – Fair Housing

The purpose of this bill is to declare that discrimination in housing is contrary to the public policy of Anne Arundel County and to state that its purpose is to eliminate discrimination in housing. Discrimination is defined to mean “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 original, race, religion, sex, sexual orientation, or source of income in such a way that the person is adversely affected in the area of housing.” Other definitions include “discriminatory restrictive covenants,” “housing,” “protected class,” “rent,” “sexual orientation,” and “source of income.”

The bill prohibits a person who sells or offers to sell, rents or offers to rent, or controls, constructs, or manages housing from discriminating by: (1) including in notices or advertisements 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 when 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 of the sale or rental of housing to a member of a protected class; (7) restricting the provision of services to a member of a protected class in connection the sale or rental of housing; (8) including a discriminatory restrictive covenant in a document relating to the sale or rental or housing; or (9) honoring or enforcing a discriminatory restrictive covenant.

The bill also prohibits a person from discriminating by denying to a member of a protected class access, membership, or participation in a business entity relating to the sale or rental of housing, such as a multiple listing service.

A person may not discriminate by inducing a person to sell or transfer an interest in housing by representing that nearby housing used by members of a protected class will lower property values, result in a change in the character of the neighborhood, or result in a decline in the quality of schools or other institutions serving the area. A person may not discriminate by placing a sign or other device on property which indicates that housing is for sale or rent when the housing is not in fact offered for sale or rent.

The bill makes discriminatory restrictive covenants void and of no effect. It allows a person to refuse to accept a document that includes a discriminatory restrictive covenant and provides that a person who does so is not in breach of the contract.

The bill clarifies that discrimination with respect to certain age-related housing, such as assisted living facilities or housing for the elderly of moderate means, is not covered by the prohibitions contained in Title 1. Similarly, private membership clubs may limit the rental or occupancy of certain housing to its members or may give members a preference; religious

organizations may limit the sale, rental, or occupancy of housing to persons of the same religion or may give persons of the same religion a preference; and a person may provide preferences in the sale, rental, or occupancy of housing to a veteran to the extent authorized by federal or state law.

A person who violates this Title is subject to the imposition of fines and penalties that do not exceed those provided for in the Federal Fair Housing Act.