

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2016, Legislative Day No. 12

Bill No. 46-16

Mrs. Vicki Almond, Chairwoman
By Request of County Executive

By the County Council, July 5, 2016

A BILL
ENTITLED

AN ACT concerning

Human Relations – Source of Income Discrimination

FOR the purpose of prohibiting discrimination against a person in the rental, sale, listing, representation or soliciting of housing based on source of income; prohibiting discrimination based on source of income in a restrictive covenant; providing for a certain exception; amending certain definitions; defining a certain term; and generally relating to discrimination in housing on the basis of source of income.

By repealing and reenacting, with amendments

Sections 29-2-101 and 29-2-102(c)

Article 29. Human Relations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

Baltimore County Code, 2015

By adding

Section 29-2-104(f)

Article 29. Human Relations

Baltimore County Code, 2015

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

Article 29. Human Relations

§ 29-2-101. DEFINITIONS.

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

(b) *DISCRIMINATION.* “DISCRIMINATION” INCLUDES DISCRIMINATION BASED ON SOURCE OF INCOME.

(C) *Discriminatory restrictive covenant.* “Discriminatory restrictive covenant” means a specification limiting the transfer or rental of a dwelling because of the person’s race, creed, religion, color, sex, age, national origin, marital status, sexual orientation, gender identity or [expression or] EXPRESSION, status as a veteran, SOURCE OF INCOME, OR physical or mental disability.

[(c)] (D) *Housing.*

(1) “Housing” means a dwelling for the use of one or more individuals, groups, or families.

(2) “Housing” includes a mobile home site or land offered for sale or lease for the construction of a dwelling.

[(d)] (E) *Rent.* “Rent” means to rent, lease, sublease, let, or otherwise grant for consideration the right to occupy premises not owned by the occupant.

(F) *SOURCE OF INCOME.*

(1) “SOURCE OF INCOME” MEANS ANY LAWFUL SOURCE OF MONEY PAID DIRECTLY OR INDIRECTLY TO, OR ON BEHALF OF, A RENTER OR BUYER OF HOUSING.

(2) “SOURCE OF INCOME” INCLUDES INCOME FROM:

(I) A LAWFUL PROFESSION, OCCUPATION, OR JOB;

(II) RECEIPT OF A FEDERAL, STATE, OR LOCAL BENEFIT,

INCLUDING:

1. RECEIPT OF FEDERAL, STATE, OR LOCAL PUBLIC ASSISTANCE, INCLUDING MEDICAL ASSISTANCE OR DISABILITY BENEFITS, OR RECEIPT OF FEDERAL, STATE, OR LOCAL HOUSING SUBSIDIES, INCLUDING RENTAL ASSISTANCE OR RENTAL SUPPLEMENTS, OR BECAUSE A PERSON IS SUCH A RECIPIENT, OR BECAUSE OF ANY REQUIREMENT OF SUCH PUBLIC ASSISTANCE, RENTAL ASSISTANCE OR HOUSING SUBSIDY;

2. HAVING A HISTORY OF RECEIVING BENEFITS AS PROVIDED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH; OR

3. BEING REGARDED AS HAVING A HISTORY OF RECEIVING BENEFITS AS PROVIDED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH;

(III) A GIFT, AN INHERITANCE, A PENSION, ANNUITY,
ALIMONY, CHILD SUPPORT, OR OTHER CONSIDERATION OR BENEFITS; OR

(IV) THE SALE OR PLEDGE OF PROPERTY OR AN INTEREST IN
PROPERTY.

§ 29-2-102. PROHIBITIONS.

(c) *Property values; change in nature of neighborhood.* Whether the person is acting for monetary gain or not, a person may not engage in discrimination by representing that the existing or potential proximity of real property owned, used, or occupied by persons of a particular race, creed, religion, physical or mental disability, color, sex, national origin, age, sexual orientation, gender identity or expression, status as a veteran, SOURCE OF INCOME, or marital status will or may result in:

- (1) The lowering of property values;
- (2) A change in the racial, religious, or ethnic character of the block, neighborhood, or area in which the property is located; or
- (3) A decline in quality of the schools and institutions serving the area.

§ 29-2-104. EXCEPTIONS.

(F) *SOURCE OF INCOME.* THE PROHIBITION IN THIS SUBTITLE AGAINST
DISCRIMINATION BASED ON SOURCE OF INCOME DOES NOT:

- (1) PROHIBIT A PERSON FROM DETERMINING THE ABILITY OF A
POTENTIAL BUYER OR RENTER TO PAY A PURCHASE PRICE OR PAY RENT BY
VERIFYING, IN A COMMERCIALLY REASONABLE AND NONDISCRIMINATORY

MANNER, THE SOURCE AND AMOUNT OF INCOME OF THE POTENTIAL RENTER OR BUYER; OR

(2) PREVENT A PERSON FROM REFUSING TO CONSIDER INCOME DERIVED FROM CRIMINAL ACTIVITY.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days from its enactment.