

HOUSE BILL 1239

D5, C9

5lr3391

By: **Delegates Taveras, Lehman, Vogel, Allen, Ivey, Pena–Melnnyk, and Woods**

Introduced and read first time: February 7, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Fair Housing and Housing Discrimination – Regulations, Intent, and**
3 **Discriminatory Effect**

4 FOR the purpose of authorizing the Department of Housing and Community Development
5 to adopt certain regulations related to affirmatively furthering fair housing;
6 providing that certain discriminatory housing practices may be committed without
7 intent; prohibiting a person from acting in a certain manner that has a
8 discriminatory effect against a person related to the sale or rental of a dwelling;
9 providing that certain conduct does not constitute a certain violation; and generally
10 relating to fair housing and discriminatory housing practices.

11 BY repealing and reenacting, with amendments,
12 Article – Housing and Community Development
13 Section 2–402
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – State Government
18 Section 20–101(a), (b), and (d), 20–1020, 20–1035, 20–1040, and 20–1041
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2024 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – State Government
23 Section 20–702 and 20–705
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Housing and Community Development

2–402.

(a) The Department:

(1) shall administer its programs and activities related to housing and community development to affirmatively further fair housing;

(2) shall explore ways to ensure it is collaborating with and supporting nonprofit and governmental entities devoted to furthering fair housing; and

(3) may not take any action that is materially inconsistent with the obligation to affirmatively further fair housing.

(b) (1) The Department shall require political subdivisions and housing authorities to affirmatively further fair housing.

(2) To ensure that political subdivisions and housing authorities affirmatively further fair housing, the Department shall, in accordance with § 3–114(d)(2) of the Land Use Article, require a political subdivision or housing authority to submit an assessment of fair housing to the Department as part of the housing element of a comprehensive plan.

(c) This section does not:

(1) require a political subdivision or housing authority to take a specific action to affirmatively further fair housing; or

(2) prohibit a political subdivision or housing authority from taking a specific action to affirmatively further fair housing.

(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

Article – State Government

20–101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(b) “Commission” means the Commission on Civil Rights.

(d) “Discriminatory act” means an act prohibited under:

(1) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);

(2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);

(3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);

(4) Subtitle 6 of this title (Discrimination in Employment);

(5) Subtitle 7 of this title (Discrimination in Housing); or

(6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

20–702.

(a) It is the policy of the State:

(1) to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, source of income, or military status; and

(2) to that end, to prohibit discriminatory practices **OR ACTS THAT HAVE A DISCRIMINATORY EFFECT, REGARDLESS OF INTENT**, with respect to residential housing by any person, in order to protect and ensure the peace, health, safety, prosperity, and general welfare of all.

(b) This subtitle:

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

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

20–705.

(A) Except as provided in **SUBSECTION (B) OF THIS SECTION AND §§ 20–703 and 20–704** of this subtitle, a person may not, **REGARDLESS OF INTENT**:

(1) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status;

(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status;

(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status, or an intention to make any preference, limitation, or discrimination;

(4) represent to any person, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; [or]

(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, source of income, or military status; **OR**

(6) ACT IN A MANNER THAT HAS A DISCRIMINATORY EFFECT AGAINST A PERSON IN THE TERMS, CONDITIONS, OR PRIVILEGES OF THE SALE OR RENTAL OF A DWELLING, OR IN THE PROVISION OF SERVICES OR FACILITIES IN CONNECTION WITH THE SALE OR RENTAL OF A DWELLING, BECAUSE OF RACE, COLOR, RELIGION, SEX, DISABILITY, MARITAL STATUS, FAMILIAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN, SOURCE OF INCOME, OR MILITARY STATUS.

(B) A PERSON HAS NOT VIOLATED A PROHIBITION IN SUBSECTION (A) OF THIS SECTION IF:

(1) THE ACTION WAS WITHOUT DISCRIMINATORY INTENT;

(2) THE ACTION WAS JUSTIFIED BY A LEGITIMATE BUSINESS NECESSITY; AND

(3) THE PERSON COULD NOT HAVE ACCOMPLISHED THE LEGITIMATE BUSINESS NECESSITY BY LESS DISCRIMINATORY MEANS.

20–1020.

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

(b) “Aggrieved person” means any person that claims to have been injured by a discriminatory housing practice.

(c) “Conciliation” means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the Commission.

(d) “Conciliation agreement” means a written agreement between the respondent and the complainant setting forth the resolution of the issues in conciliation.

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

(f) “Prevailing party” has the meaning as judicially determined under 42 U.S.C. § 1988.

20–1035.

(a) In accordance with this section, an aggrieved person may commence a civil action in an appropriate State court to obtain appropriate relief for an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this part.

(b) (1) The action shall be filed within 2 years after the later of the occurrence or termination of the alleged discriminatory housing practice or the breach of the conciliation agreement.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the computation of the 2-year period does not include any time during which an administrative proceeding under this part was pending for a complaint or charge based on the alleged discriminatory housing practice.

(ii) Subparagraph (i) of this paragraph does not apply to an action arising from a breach of a conciliation agreement.

(3) Except as provided in subsection (c) of this section, an aggrieved person may commence a civil action under this section:

(i) not sooner than 130 days after a complaint has been filed under § 20–1021 of this subtitle; and

(ii) regardless of the status of any complaint.

(c) (1) If the Commission or a State or local unit has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section for the alleged discriminatory housing practice that forms the

basis for the complaint, except for the purpose of enforcing the terms of the conciliation agreement.

(2) An aggrieved person may not commence a civil action under this section with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the Commission, if an administrative law judge has commenced a hearing on the record under this part with respect to the charge.

(d) On application by a person alleging a discriminatory housing practice or a person against whom a discriminatory housing practice is alleged, the court may:

(1) appoint an attorney for the person; or

(2) if, in the opinion of the court, the person is financially unable to bear the costs of the action, authorize the commencement or continuation of a civil action under subsection (a) of this section without the payment of fees, costs, or security.

(e) (1) In a civil action under this section, if the court finds that a discriminatory housing practice has occurred, the court may:

(i) award to the plaintiff actual and punitive damages; and

(ii) subject to subsection (f) of this section, grant as relief, as the court considers appropriate, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering affirmative action.

(2) In a civil action under this section, the court may allow the prevailing party reasonable attorney's fees and costs.

(f) Relief granted under this section may not affect any contract, sale, encumbrance, or lease consummated before the granting of relief and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the filing of a complaint with the Commission or civil action under this part.

(g) If the Commission certifies that the case is of general public importance and on timely application, the Commission may:

(1) intervene in a civil action brought under this section; and

(2) obtain any relief that would be available to the Commission under § 20-1036(c) of this subtitle.

20-1040.

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

1 (b) "Attorney General" means the Attorney General and the Office of the Attorney
2 General.

3 (c) (1) "Civil rights violation" means an act of discrimination prohibited under
4 the U.S. Constitution, the Maryland Constitution, or State or federal law.

5 (2) "Civil rights violation" includes a discriminatory act as defined in §
6 20–101 of this title.

7 20–1041.

8 (a) The Attorney General may investigate, prosecute, and remediate, on behalf of
9 the residents of the State, any conduct that constitutes a civil rights violation.

10 (b) The Attorney General may not bring a civil rights action under this part:

11 (1) on behalf of an individual;

12 (2) against a political subdivision;

13 (3) against any unit of State or local government established by law; or

14 (4) against any employee or agent of an entity identified in item (2) or (3)
15 of this subsection who is acting under the color of law.

16 (c) Nothing in this part may be interpreted to impair the rights and powers of the
17 Commission under Subtitles 1 through 11 of this title.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2025.