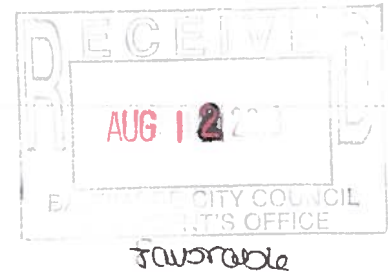




August 12, 2013

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 13-0209 – Discriminatory Practices– Housing Status

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0209 for form and legal sufficiency. The bill would add “housing status” to the list of classifications against which discrimination is already prohibited throughout the City Code. The existing law prevents discrimination by real estate brokers, by employers, in public accommodations, in education, in health and welfare agencies, in housing, in certain business transactions, in providing certain services to City employees and in hate crimes. All these discriminatory practices are already prohibited by City law. This bill merely adds “housing status” as another prohibited basis for discrimination.

The term “housing status” would be defined along with other groups against which discrimination is prohibited in Subtitle 1 of Article 4 of the City Code. It would be defined as “the status of having or not having a fixed or regular residence.” It would include several types of homeless individuals.

The City Council has the power to “provide for the preservation of the health of all persons within the City,” “to prevent and remove nuisances” and to “pass any ordinance, not inconsistent with the provisions of this Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City.” *See* City Charter, Art. II, §§11, 47.

This City Council bill does not appear to be preempted by state or federal law. In fact, other governments have enacted laws prohibiting discrimination against homeless people. *See, e.g.,* R.I. Gen. Laws §34-37.1-3 (Rhode Island Homeless Bill of Rights); §20 ILCS 505/8b (Illinois statute preventing its Department of Children and Family Services from discriminating against the homeless); 24 L.P.R.A. §331a (Puerto Rico law requiring health facilities to develop a plan to insure access for homeless); 2013 SB 896 (Connecticut bill proposing a Homeless Person’s Bill of Rights); 2013 CA. A.B. 5 (California bill proposing a Homeless Person’s Bill of

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Rights); Ending Discrimination for Delaware's Homeless, a Report by the Policy Committee on Ending Homelessness in Delaware, March 2013, found at http://www.hpcdelaware.org/documents/Ending_Discrimination_for_Delawares_Homeless.pdf.

As there are no legal impediments to this bill, the Law Department approves it for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Victor Tervalá, Assistant Solicitor
Jennifer Landis, Assistant Solicitor