

**CITY OF BALTIMORE
COUNCIL BILL 18-0308
(First Reader)**

Introduced by: Councilmembers Dorsey, Burnett, Henry, Scott, Pinkett, Cohen, Sneed,
Middleton, Bullock, Clarke, Stokes

Introduced and read first time: December 3, 2018

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community
Development, Housing Authority Board of Baltimore City, Baltimore City Office of Civil Rights
and Wage Enforcement, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Community Relations – Housing Discrimination – Source of Income**

3 FOR the purpose of prohibiting, as unlawful discriminatory housing practices, certain practices
4 based on source of income; defining certain terms; clarifying and conforming related
5 provisions; and generally related to community relations and discriminatory practices.

6 BY repealing and reordaining, with amendments

7 Article 4 - Community Relations

8 Sections 1-1(f)(1), 1-1(v), and 3-5(a) and (e)

9 Baltimore City Code

10 (Edition 2000)

11 BY adding

12 Article 4 - Community Relations

13 Section 1-1(x)

14 Baltimore City Code

15 (Edition 2000)

16 BY repealing and reordaining, without amendments

17 Article 4 - Community Relations

18 Sections 3-5(f)

19 Baltimore City Code

20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
22 Laws of Baltimore City read as follows:

23 **Baltimore City Code**

24 **Article 4. Community Relations**

25 **Subtitle 1. Definitions; General Provisions**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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§ 1-1. Definitions.

(f) *Discrimination.*

(1) “Discrimination” means any difference in the treatment of an individual or person because of race, color, religion, national origin, ancestry, sex, marital status, physical or mental disability, sexual orientation, [or] gender identity or expression, OR, IN THE CONTEXT OF DISCRIMINATORY HOUSING PRACTICES UNDER § 3-5 {“HOUSING”} OF THIS ARTICLE, SOURCE OF INCOME.

(v) *Restrictive covenant.*

“Restrictive covenant” means any specification limiting the transfer, rental, or lease of any dwelling because of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, physical or mental disability, sexual orientation, [or] gender identity or expression, OR, IN THE CONTEXT OF DISCRIMINATORY HOUSING PRACTICES UNDER § 3-5 {“HOUSING”} OF THIS ARTICLE, SOURCE OF INCOME.

(X) *SOURCE OF INCOME.*

(1) *IN GENERAL.*

“SOURCE OF INCOME”, AS USED IN § 3-5 {“HOUSING”} OF THIS ARTICLE, MEANS ANY LAWFUL SOURCE OF MONEY PAID DIRECTLY OR INDIRECTLY TO, OR ON BEHALF OF, A RENTER OR BUYER OF HOUSING.

(2) *INCLUSIONS.*

“SOURCE OF INCOME” INCLUDES INCOME FROM:

- (I) A LAWFUL PROFESSION, OCCUPATION, OR JOB;
- (II) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, LOAN, OR RENTAL ASSISTANCE PROGRAM, INCLUDING LOW-INCOME HOUSING ASSISTANCE CERTIFICATES AND VOUCHERS ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937; OR
- (III) A GIFT, AN INHERITANCE, A PENSION, AN ANNUITY, ALIMONY, CHILD SUPPORT, OR OTHER CONSIDERATION OR BENEFIT.

Subtitle 3. Unlawful Practices

§ 3-5. Housing.

(a) *In general.*

It is an unlawful discriminatory housing practice, because of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, physical or mental disability,

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1 sexual orientation, [or] gender identity or expression, OR SOURCE OF INCOME, for any
2 person having the right to sell, rent, lease, control, construct, or manage any dwelling
3 constructed or to be constructed, or for any employee of such a person:

- 4 (1) to refuse to negotiate for the sale or rental or to refuse to sell or rent or otherwise
5 deny to or withhold any dwelling from any person;
- 6 (2) to discriminate against any person in the terms, conditions, or privileges of the
7 sale or rental of any dwelling or in the furnishing of facilities or services in
8 connection therewith;
- 9 (3) to refuse to receive or transmit a bona fide offer to purchase, rent, or lease any
10 dwelling from any person;
- 11 (4) to make, print, or publish, or cause to be made, printed, or published, any notice,
12 statement, or advertisement, with respect to the sale or rental of a dwelling, that
13 indicates any preference, limitation, or discrimination, or any intention to make
14 any such preference, limitation, or discrimination;
- 15 (5) to represent to any person that any dwelling is not available for inspection, sale, or
16 rental when such dwelling is in fact so available;
- 17 (6) to discriminate in allowing or disallowing a person access to or membership or
18 participation in any multiple-listing service, real estate broker's organization or
19 other service, organization, or facility relating to the business of selling or renting
20 dwellings, or to discriminate in the terms or conditions of such access,
21 membership, or participation;
- 22 (7) to include in any transfer, sale, or rental of housing any restrictive covenant that
23 discriminates;
- 24 (8) to honor or exercise, or attempt to honor or exercise any discriminatory covenant
25 pertaining to housing;
- 26 (9) to refuse to consider 2 or more applicants' incomes when they seek to buy or rent
27 a dwelling or dwelling unit;
- 28 (10) to refuse to consider alimony or child support awarded by a court and received
29 by an applicant as a valid source of income, when that source can be verified as to
30 its amount, length of time received, and regularity of receipt;
- 31 (11) to request or consider information about birth control practices in evaluating any
32 prospective buyer or lessee of a dwelling;
- 33 (12) to discriminate in the sale or rental of, or to otherwise make unavailable or deny,
34 a dwelling to any buyer or renter because of a mental or physical disability of:
- 35 (i) that buyer or renter;

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1 (ii) a person residing in or intending to reside in that dwelling after it is so
2 sold, rented, or made available; or

3 (iii) any person associated with that buyer or renter; or

4 (13) to discriminate against any person in the terms, conditions, or privileges of sale
5 or rental of a dwelling, or in the provision of services or facilities in connection
6 with such dwelling, because of a mental or physical disability of:

7 (i) that person;

8 (ii) a person residing in or intending to reside in that dwelling after it is so
9 sold, rented, or made available; or

10 (iii) any person associated with that person.

11 (e) *Unlawful representations.*

12 It is an unlawful practice for a person, for the purpose of inducing or discouraging a real
13 estate transaction:

14 (1) to represent that a change has occurred or will or may occur with respect to race,
15 color, religion, national origin, ancestry, sex, age, marital status, physical or
16 mental disability, sexual orientation, [or] gender identity or expression, OR
17 SOURCE OF INCOME in the composition of the owners or occupants in the block,
18 neighborhood, or area in which the dwelling is located; or

19 (2) to represent that a change with respect to race, color, religion, national origin,
20 ancestry, sex, age, marital status, physical or mental disability, sexual orientation,
21 [or] gender identity or expression, OR SOURCE OF INCOME in the composition of
22 the owners or occupants in the block, neighborhood, or area in which the dwelling
23 is located will or may result in the lowering of property values, an increase in
24 criminal or anti-social behavior, or a decline in the quality of schools.

25 (f) *Restrictive covenants declared void.*

26 (1) Any restrictive covenant, whether heretofore or hereafter included in an instrument
27 affecting the title to real or leasehold property, is declared to be null, void, and of no
28 effect, and contrary to public policy, as well as contrary to the Constitution and the
29 laws of the United States.

30 (2) Any person who is asked to accept a document affecting title to real or leasehold
31 property may decline to accept the same if it includes such a covenant until the
32 covenant has been deleted from the document. Refusal to accept delivery of an
33 instrument for this reason shall not be deemed a breach of a contract to purchase,
34 lease, mortgage, or otherwise deal with such property.

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1 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
2 are not law and may not be considered to have been enacted as a part of this or any prior
3 Ordinance.

4 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
5 after the date it is enacted.