

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR  
100 N. Holliday Street  
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Baltimore, Maryland 21202

December 10, 2018

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

Re: City Council Bill 18-0308 – Community Relations-Housing Discrimination Source of  
Income

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0308 for form and legal sufficiency. The bill would prohibit, as unlawful discriminatory housing practices, certain practices based on source of income. The bill defines “source of income” as any lawful source of money paid, directly or indirectly, to a renter or buyer of housing including income from a lawful job, any government or private assistance grant, loan or assistance program or gift, inheritance, pension.

Source of income housing discrimination protection laws have been enacted across the country. In Maryland, Montgomery County, Howard County and Frederick County have enacted such laws as well as the District of Columbia. There have been challenges to some state and local source of income discrimination laws including Montgomery County’s law. See *Mont. Co. v. Glenmont Hills Assoc.*, 402 Md. 250 (2007). The primary principle upon which these laws have been challenged is preemption by federal law. In most, if not all, of these cases, the laws have been upheld., including Montgomery County’s law.

Given the decision of the Maryland court in the Montgomery Co. and the nature of the City’s proposed law, it is likely to withstand challenge should that occur. Accordingly, the Law Department approves the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in blue ink that reads "Elena R. DiPietro".

Elena R. DiPietro  
Chief Solicitor  
Division Chief

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Ashlea Brown, Assistant Solicitor  
Hilary Ruley, Chief Solicitor  
Victor Tervalo, Chief Solicitor