

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 18-0308**

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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

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Committee Report: Favorable

Council action: Adopted, with Floor Amendments

Read second time: March 11, 2019

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**AN ORDINANCE CONCERNING**

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

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

BY repealing and reordaining, with amendments

Article 4 - Community Relations

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

Baltimore City Code

(Edition 2000)

BY adding

Article 4 - Community Relations

~~Section 1-1(x)~~

Sections 1-1(x) and 3-5(a-1)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, without amendments

Article 4 - Community Relations

Sections 3-5(f)

Baltimore City Code

(Edition 2000)

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

**Baltimore City Code**

**Article 4. Community Relations**

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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**Subtitle 1. Definitions; General Provisions**

**§ 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.*

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1 It is an unlawful discriminatory housing practice, because of race, color, religion, national  
2 origin, ancestry, sex, age, marital status, familial status, physical or mental disability,  
3 sexual orientation, [or] gender identity or expression, OR SOURCE OF INCOME, for any  
4 person having the right to sell, rent, lease, control, construct, or manage any dwelling  
5 constructed or to be constructed, or for any employee of such a person:

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

12 (1) QUALIFYING HOUSING DEVELOPMENT DEFINED.

13 IN THIS SUBSECTION, "QUALIFYING HOUSING DEVELOPMENT" MEANS A DEVELOPMENT  
14 CONSISTING OF 5 OR MORE CONTIGUOUS RENTAL DWELLING UNITS IN WHICH 20% OR  
15 MORE OF THE DWELLING UNITS ARE RENTED TO PERSONS WHOSE SOURCE OF INCOME IS  
16 DERIVED IN WHOLE OR IN PART FROM HOUSING ASSISTANCE CERTIFICATES OR  
17 VOUCHERS ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937.

18 (2) EXCEPTION.

19  
20 THE PROHIBITIONS IN SUBSECTION (A) OF THIS SECTION, AS THEY RELATE TO SOURCE  
21 OF INCOME, DO NOT APPLY TO A QUALIFYING HOUSING DEVELOPMENT IN BALTIMORE  
22 CITY.

23 (3) TERMINATION OF SUBSECTION.

24 THE EXCEPTION IN THIS SUBSECTION AUTOMATICALLY EXPIRES ON JUNE 30, 2023,  
25 UNLESS THE CITY COUNCIL, AFTER CAUSING AN APPROPRIATE STUDY TO BE  
26 UNDERTAKEN, CONDUCTING PUBLIC HEARINGS, AND HEARING TESTIMONIAL  
27 EVIDENCE, FINDS THAT THE EXCEPTION REMAINS IN THE PUBLIC INTEREST, IN WHICH  
28 CASE THIS SUBSECTION MAY BE EXTENDED FOR 4 MORE YEARS.

29 (e) *Unlawful representations.*

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

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

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

7 (f) *Restrictive covenants declared void.*

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

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

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

20 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
21 after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City