



Legislation Details (With Text)

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On agenda: **Final action:** 7/17/2014
Enactment date: **Enactment #:**
Title: Discriminatory Practices - Housing Status

FOR the purpose of prohibiting certain discriminatory practices based on housing status; defining certain terms; reordering certain lists for consistency; correcting, clarifying, and conforming related provisions; and generally relating to community relations and discriminatory practices.

Sponsors: Mary Pat Clarke, Carl Stokes, President Young, Edward Reisinger, Helen L. Holton, Sharon Green Middleton, William "Pete" Welch, Warren Branch, Robert Curran

Indexes: Housing

Code sections:

Attachments: 1. 13-0209 - 1st Reader.pdf, 2. Health - 13-0209.pdf, 3. Law - 13-0209.pdf

Date	Ver.	Action By	Action	Result
7/17/2014	0	City Council	Withdrawn	
4/17/2013	0	The City Council	Referred for a Report	
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4/8/2013	0	City Council	Assigned	
4/8/2013	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Clarke

A BILL ENTITLED

AN ORDINANCE concerning
Discriminatory Practices - Housing Status

FOR the purpose of prohibiting certain discriminatory practices based on housing status; defining certain terms; reordering certain lists for consistency; correcting, clarifying, and conforming related provisions; and generally relating to community relations and discriminatory practices.

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections
Section(s) 13-5(8)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, without amendments

Article 4 - Community Relations
Section(s) 1-1(c), (k), (l-1), (o), (q), and (w)
Baltimore City Code
(Edition 2000)

BY adding

Article 4 - Community Relations
Section(s) 1-1(m-1)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 4 - Community Relations
Section(s) 1-1(f) and (v), 3-1(intro) and (3), 3-2(3), 3-3(a)(6)(ii),
3-4(3)(ii), and 3-5(a), (c), (d)(1), and (e)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 5 - Finance, Property, and Procurement
Section(s) 29-1, 29-2(h)(1), 29-6, 29-15, 29-16, and 31-3
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 12 - Municipal Labor Relations
Section(s) 1-1(e)(2)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section(s) 23-3

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 2. Consumer Protections

Subtitle 13. Real Estate Practices - Brokers, etc.

§ 135. Prohibited conduct - Brokers, salespersons, and dealers.

In transactions involving residential real or leasehold properties, no real estate broker, salesman, or dealer shall or shall attempt to:

....

(8) whether or not acting for monetary gain, knowingly induce another person to sell or rent a dwelling or otherwise transfer real estate or knowingly discourage another person from buying real estate by:

(i) making representations about the entry or prospective entry into a neighborhood of individuals of a particular race, color, [sex,] religion, NATIONAL ORIGIN, ancestry, SEX, FAMILIAL STATUS, [sexual orientation,] physical or mental disability, SEXUAL ORIENTATION, [familial status, or national origin,] OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"});

(ii) making representations about the existing or potential proximity of real property owned or used by individuals of a particular race, color, [sex,] religion, NATIONAL ORIGIN, ancestry, SEX, FAMILIAL STATUS, [sexual orientation,] physical or mental disability, SEXUAL ORIENTATION, [familial status, or national origin,] OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}); or

(iii) representing that the existing or potential proximity of real property owned or used by individuals of a particular race, color, [sex,] religion, NATIONAL ORIGIN, ancestry, SEX, FAMILIAL STATUS, [sexual orientation,] physical or mental disability, SEXUAL ORIENTATION, [familial status, or national origin,] OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}) will or may result in:

(A) the lowering of property values;

(B) a change in the racial, religious, or ethnic character of the block, neighborhood, or area;

(C) an increase in criminal or antisocial behavior in the area; or

(D) a decline in the quality of schools serving the area; or

....

Article 4. Community Relations

Subtitle 1. Definitions; General Provisions

§ 1□ Definitions.

(c) Age discrimination.

(1) “Age discrimination”, as used in § 3□ of this article, means any difference in the treatment of an individual or person because of age.

(2) Except that:

(i) it shall not be discrimination for an employer, employment agency, or labor organization to observe the terms of a bona fide employee benefit plan, such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this article, and excepting further, that no such employee benefit plan shall excuse the failure to hire any individual; and

(ii) the prohibitions relating to age discrimination are limited to individuals who are at least 18 years of age but less than 65 years of age.

(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 HOUSING STATUS.

(k) Familial status.

(1) “Familial status” means 1 or more individuals (who have not attained the age of 18 years) being domiciled with:

(i) a parent or another person having custody of such individual or individuals; or

(ii) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

(2) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(l-1) Gender identity or expression.

“Gender identity or expression” means an individual’s having or being perceived as having a gender-related self-identity, self-image, appearance, expression, or behavior, whether or not those gender-related characteristics differ from those associated with the individual’s assigned sex at birth.

(M-1) HOUSING STATUS.

(1) “HOUSING STATUS” MEANS THE STATUS OF HAVING OR NOT HAVING A FIXED OR REGULAR RESIDENCE.

(2) “HOUSING STATUS” INCLUDES LIVING ON THE STREETS, IN A VEHICLE, IN A HOMELESS SHELTER OR SIMILAR TEMPORARY RESIDENCE, OR ELSEWHERE IN THE PUBLIC DOMAIN.

(o) Mental disability.

(1) “Mental disability” means the existence of, or history of, an emotional or intellectual disorder, as defined by psychiatrists, which requires special educational or psychotherapeutic services, and includes being regarded as having such an impairment, but shall not include a judicial determination of disability.

(2) “Mental disability” does not include current, illegal use of or addiction to a controlled substance (as defined in §102 of the Controlled Substance Act (21 U.S.C. 802)).

(q) Physical disability.

(1) “Physical disability” means any physical condition, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect, trauma, or illness, including epilepsy, which shall include, but not be limited to any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, muteness or speech impairment or disorder, or physical reliance on a seeing eye dog, wheelchair, or any other remedial appliance, device, or medication, and includes a record of having such a disability or being regarded as having such a disability.

(2) “Physical disability” does not include current, illegal use of or addiction to a controlled substance (as defined in § 102 of the Controlled Substances Act (21 U.S.C. 802)).

(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 HOUSING STATUS.

(w) Sexual orientation.

(1) “Sexual orientation” means the status of an individual as to homosexuality, heterosexuality, or bisexuality.

(2) This subsection is not intended to permit any practice prohibited by state or local law.

Subtitle 3. Unlawful Practices

§ 31. Employment.

Except where a particular occupation or position reasonably requires, as an essential qualification, the employment of a person or persons of a particular race, color, religion, national origin, ancestry, sex, age, marital status, physical or mental capability, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS, and that qualification is not adopted as a means of circumventing the purpose of this article, it is an unlawful employment practice:

....
(3) for any employer, employment agency, or labor organization, before employing an individual or admitting an individual to membership, to:

(i) make any inquiry about or record of an applicant’s race, color, religion, national origin, ancestry, marital status, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS, except as authorized or ordered by the Commission;

(ii) use any form of application for employment or membership that contains questions or entries about race, color, religion, national origin, ancestry, marital status, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS, except as authorized or ordered by the Commission; or

(iii) cause to be printed, published, or circulated any notice or advertisement relating to employment or membership that indicates any preference, limitation, specification, or discrimination based on race, color, religion, national origin, ancestry, sex, age, marital status, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS;

....

§ 32. Public accommodations.

It is an unlawful practice for any person, including any owner, lessee, proprietor, superintendent, manager, agent, or employee of a place of public accommodation, resort, or amusement to:

....

(3) communicate, publish, advertise, or represent:

(i) that any services, advantages, facilities, or privileges of that place of public accommodation, resort, or amusement will be refused, withheld, or denied to any person on account of race, color, religion, national origin, ancestry, sex, marital status, physical or mental disability, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS; or

(ii) that the patronage or custom of any person belonging to or purporting to be of any particular race, color, religion, national origin, ancestry, sex, marital status, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS or possessing any physical or mental disability, is unwelcome, objectionable, or not acceptable, desired, or solicited.

....

§ 33. Education.

(a) In general.

It is an unlawful educational practice for any person, any educational institution, or any owner, superintendent, teacher, professor, manager, trustee, or officer of an educational institution to:

....

(6) communicate, publish, advertise, or represent:

....

(ii) that any person is unwelcome, objectionable, or unacceptable because of race, color, religion, national origin, ancestry, sex, marital status, physical or mental disability, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS; or

....

§ 34. Health and welfare agencies.

It is an unlawful practice for any health and welfare agency or any owner, supervisor, staff person, director, manager, or officer of a health and welfare agency to:

....

(3) communicate, publish, advertise, or represent:

....

(ii) that the patronage of any person is unwelcome, objectionable, or unacceptable because of race, color, religion, national origin, ancestry, sex, marital status, physical or mental disability, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS.

§ 35. 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, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS, for any person having the right to sell, rent, lease, control, construct, or manage any dwelling constructed or to be constructed, or for any employee of such a person:

- (1) to refuse to negotiate for the sale or rental or to refuse to sell or rent or otherwise deny to or withhold any dwelling from any person;
- (2) to discriminate against any person in the terms, conditions, or privileges of the sale or rental of any dwelling or in the furnishing of facilities or services in connection therewith;
- (3) to refuse to receive or transmit a bona fide offer to purchase, rent, or lease any dwelling from any person;
- (4) to 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, or any intention to make any such preference, limitation, or discrimination;
- (5) to represent to any person that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;
- (6) to discriminate in allowing or disallowing a person access to or membership or participation in any multiplelisting service, real estate broker's organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate in the terms or conditions of such access, membership, or participation;
- (7) to include in any transfer, sale, or rental of housing any restrictive covenant that discriminates;
- (8) to honor or exercise, or attempt to honor or exercise any discriminatory covenant pertaining to housing;
- (9) to refuse to consider 2 or more applicants' incomes when they seek to buy or rent a dwelling or dwelling unit;
- (10) to refuse to consider alimony or child support awarded by a court and received by an applicant as a valid source of income, when that source can be verified as to its amount, length of time received, and regularity of receipt;
- (11) to request or consider information about birth control practices in evaluating any prospective buyer or lessee of a dwelling;
- (12) to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a mental or physical disability of:

- (i) that buyer or renter;
 - (ii) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (iii) any person associated with that buyer or renter; or
- (13) to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a mental or physical disability of:
- (i) that person;
 - (ii) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (iii) any person associated with that person.
- (c) Unlawful insuring practices.

It is an unlawful insuring practice for any person to refuse to enter into or to discriminate in the terms, conditions, or privileges of a contract of insurance against hazards to a dwelling because of the race, color, religion, national origin, ancestry, sex, age, marital status, familial status, physical or mental disability, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS of any person owning, residing in, or residing in the vicinity of the dwelling.

- (d) Unlawful financing practices.

It is an unlawful financial practice for any person:

- (1) to discriminate against any person 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 HOUSING STATUS in connection with an application for financial assistance for the purchase, construction, improvement, repair, or maintenance of a dwelling or for financial assistance secured by residential real estate, including but not limited to rates, terms, conditions, privileges, or other provisions of financial assistance or in the extension of related services;
 -
- (e) Unlawful representations.

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

- (1) to represent that a change has occurred or will or may occur with respect to race, color, religion, national origin, ancestry, sex, age, marital status, physical or mental disability, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS in the composition of the owners or occupants in the block, neighborhood, or area in which the dwelling is located; or
- (2) to represent that a change with respect to race, color, religion, national origin, ancestry, sex, age, marital status, physical or mental disability, sexual orientation, [or] gender identity or expression, OR HOUSING STATUS in the composition of the owners or occupants in the block, neighborhood, or area in which the dwelling is located will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools.

Article 5. Finance, Property, and Procurement

Subtitle 29. Commercial Non-Discrimination Policy

§ 29-1. Purpose and intent.

It is the intent of the City of Baltimore to avoid becoming a passive participant in private sector commercial discrimination by refusing to engage in business with business firms that discriminate in the solicitation, selection, hiring, or treatment of vendors, suppliers, subcontractors, or commercial customers on the basis of race, [gender,] religion, national origin, ethnicity, GENDER, AGE, DISABILITY, sexual orientation, gender identity or expression, [age, or disability] OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}) by providing a procedure for receiving, investigating, and resolving complaints of discrimination filed against business firms that have submitted a bid or proposal for, have been selected to engage in, or are engaged in doing business with the City.

§ 29-2. Definitions.

(h) Discrimination.

(1) In general.

“Discrimination” means any disadvantage, difference, distinction, or preference in the solicitation, selection, hiring, or treatment of a vendor, supplier, subcontractor, commercial customer, or any other business entity on the basis of race, [gender,] religion, national origin, ethnicity, GENDER, AGE, DISABILITY, sexual orientation, gender identity or expression, [age, disability], HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}), or any other form of unlawful discrimination regarding the characteristics of that business entity’s employees or owners.

§ 29-6. Commercial non-discrimination policy.

It is the policy of the City of Baltimore not to accept bids or proposals from, nor to engage in business with, any business firm that has discriminated on the basis of race, [gender,] religion, national origin, ethnicity, GENDER, AGE, DISABILITY, sexual orientation, gender identity or expression, [age, disability], HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}), or any other form of unlawful discrimination in its solicitation, selection, hiring, or treatment of another business.

§ 29-15. Mandatory nondiscrimination contract clause.

Every contract and subcontract shall contain a nondiscrimination clause that reads as follows:

Contractor shall not discriminate on the basis of race, [gender,] religion, national origin, ethnicity, GENDER, AGE, DISABILITY, sexual orientation, gender identity or expression, [age, or disability], OR HOUSING STATUS in the solicitation, selection, hiring, or treatment of subcontractors, vendors, suppliers, or commercial customers. Contractor shall provide equal opportunity for subcontractors to participate in all of its public sector and private sector subcontracting opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that has occurred or is occurring in the marketplace, such as those specified in Article 5, Subtitle 28 of the Baltimore City Code, as amended from time to time. Contractor understands and agrees that violation of this clause is a material breach of the contract and may result in contract termination, debarment, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party.

§ 29-16. Contractor bid requirements.

All requests for bids or proposals issued by the City shall include a clause that reads as follows:

As part of its bid or proposal, Bidder shall provide to the City a list of all instances within the past 5 years where there has been a final adjudicated determination in a legal or administrative proceeding in the State of Maryland that the bidder has discriminated against its subcontractors, suppliers, vendors, or commercial customers on the basis of race, [gender,] religion, national origin, ethnicity, GENDER, AGE, DISABILITY, sexual orientation, gender identity or expression, [age, or disability], OR HOUSING STATUS, and a description of any resulting sanction entered and remedial action taken.

Subtitle 31. Health Care Advisory Panel

§ 31B. Annual review of providers, etc.

(a) Advisory Panel to review.

The Health Care Advisory Panel shall conduct an annual review of all persons, providers, or provider panels prequalified to provide health care services to employees or dependents of employees of the City of Baltimore.

(b) Scope of review.

The annual review shall cover the evaluation criteria adopted by the Board of Estimates, including, but not limited to, the following evaluation criteria:

(1) that each entity seeking to provide health care services under this subtitle consider all qualified applicants for its provider panel without regard to race, color, religion, NATIONAL ORIGIN, sex, disability, sexual orientation, or [national origin] HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"});

(2) that all solicitations or advertisements for applicants for membership on provider panels state that all qualified applicants will be considered without regard to race, color, religion, NATIONAL ORIGIN, sex, disability, sexual orientation, or [national origin] HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}); AND

(3) that all participants in the prequalification process maintain a provider panel that meets certain criteria with respect to ethnic diversity as determined by the Board of Estimates.

Article 12. Municipal Labor Relations

Subtitle 1. Definitions; General Provisions

§ 1D. Definitions.

(e) Employee organization.

(2) "Employee organization" shall not include any organization which discriminates because of race, color,

creed, [or] national origin, OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}) with regard to the acquisition or retention of membership, or in accepting or advancing members in any training, apprenticeship, or employment program.

Article 19. Police Ordinances

Subtitle 23. Hate Crimes

§ 233. Prohibited conduct.

A person may not:

- (1) vandalize religious property that is owned, leased, or used by any religious entity;
- (2) obstruct, or attempt to obstruct by force or threat of force, a person in the free exercise of that person's religious beliefs;
- (3) harass or commit a crime on a person or damage the property of a person because of that person's race, color, religious beliefs, national origin, [or] sexual orientation, OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"});
- (4) harass or commit a crime on an institution or damage the property of an institution:
 - (i) because of the institution's contacts or association with a person or group of a particular race, color, religious beliefs, national origin, [or] sexual orientation, OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}); or
 - (ii) where there is evidence that exhibits animosity on the part of the person committing the act against a person or group because of that person's or group's race, color, religious beliefs, national origin, [or] sexual orientation, OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"});
- (5) vandalize or burn or attempt to burn any object on the property of a person because of that person's race, color, religious beliefs, national origin, [or] sexual orientation, OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"});
- (6) vandalize or burn or attempt to burn any object on the property of an institution:
 - (i) because of the institution's contacts or association with a person or group of a particular race, color, religious beliefs, national origin, [or] sexual orientation, OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}); or
 - (ii) where there is evidence that exhibits animosity on the part of the person committing the act against a person or group because of that person's or group's race, color, religious beliefs, national origin, [or] sexual orientation, OR HOUSING STATUS (AS THESE TERMS ARE DEFINED OR USED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}).

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law

and may not be considered to have been enacted as a part of this or any prior Ordinance.

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

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var. arts/HousingStatus/aa:me

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