



Legislation Details (With Text)

File #: 18-0308 **Version:** 0 **Name:** Community Relations - Housing Discrimination - Source of Income

Type: Ordinance **Status:** Enacted

File created: 12/3/2018 **In control:** City Council

On agenda: **Final action:** 4/12/2019

Enactment date: **Enactment #:** 19-234

Title: 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; and generally related to community relations and discriminatory practices.

Sponsors: Ryan Dorsey, Kristerfer Burnett, Bill Henry, Brandon M. Scott, Leon F. Pinkett, III, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, John T. Bullock, Mary Pat Clarke, Robert Stokes, Sr.

Indexes: Community, Discrimination, Housing, Income, Relations

Code sections:

Attachments: 1. 18-0308~1st Reader, 2. HCD 18-0308, 3. Finance 18-0308, 4. HABC 18-0308, 5. Law 18-0308, 6. Civil Rights and Wage 18-0308, 7. 2.7.19 FLA - Synopsis Memo - 18-0306, 8. 2nd Reader Committee Amendments 18-0308, 9. 2nd Reader Floor Amendments 18-0308, 10. 18-0308~3rd Reader, 11. Completed File_18-0308

Date	Ver.	Action By	Action	Result
4/15/2019	0	Mayor	Signed by Mayor	
3/18/2019	0	City Council	Approved and Sent to the Mayor	
3/11/2019	0	City Council	3rd Reader, for final passage	
3/11/2019	0	Housing and Urban Affairs Committee	Recommended Favorably	
2/12/2019	0	Housing and Urban Affairs Committee	Recommended Favorably	Pass
1/28/2019	0	Housing and Urban Affairs Committee	Scheduled for Voting Session	
1/14/2019	0	Housing and Urban Affairs Committee	Worksession	
12/6/2018	0	City Council President	Refer to Dept. of Finance	
12/6/2018	0	City Council President	Refer to the Office of Civil Rights and Wage Enforcement	
12/6/2018	0	City Council President	Refer to Housing Authority of Baltimore City	
12/6/2018	0	City Council President	Refer to City Solicitor	
12/6/2018	0	City Council President	Refer to Dept. of Housing and Community Development	
12/3/2018	0	City Council	Assigned	
12/3/2018	0	City Council	Introduced	
12/3/2018	0	Housing and Urban Affairs Committee	Scheduled for a Public Hearing	

Explanation: Capitals indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*
City of Baltimore
Council Bill

Introduced by: Councilmember Dorsey

A Bill Entitled

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; 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)
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

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.*

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 source of income, 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 multiple-listing 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.

(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 source of income 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 source of income 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 anti-social behavior, or a decline in the quality of schools.

(f) *Restrictive covenants declared void.*

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

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

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.