

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Bill No. CB-38-2019

Chapter No. 38

Proposed and Presented by Council Members Glaros & Taveras

Introduced by Council Members Glaros, Taveras, Turner, Ivey, Harrison,
Anderson-Walker, Davis, Streeter, Dernoga and Hawkins

Date of Introduction October 22, 2019

BILL

1 AN ACT concerning

2 Fair Housing

3 For the purpose of establishing Prince George's County's Policy of ensuring equal opportunity
4 and eliminating discrimination in all housing accommodations; and generally regarding fair
5 housing.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 15A. CONSOLIDATED HOUSING AND
8 COMMUNITY DEVELOPMENT PLAN.

9 Section 15A-101,
10 The Prince George's County Code
11 (2015 Edition; 2018 Supplement).

12 BY repealing and reenacting with amendments:

13 SUBTITLE 2. ADMINISTRATION.
14 Sections 2-186 and 2-210,
15 The Prince George's County Code
16 (2015 Edition; 2018 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Section 15A-101 of the Prince George's County Code be and the same is hereby
19 repealed and reenacted with the following amendments:

20 **SUBTITLE 15A. CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT**
21 **PLAN.**

Sec. 15A-101. Legislative findings and declaration of policy and purpose.

(a) It is the policy of Prince George’s County, in the exercise of its regulatory powers for the protection of the public safety, public health and general welfare, to assure equal opportunity to all persons to live in safe and decent housing facilities and to eliminate discrimination in all housing accommodations regardless of race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, citizenship or immigration status, or national origin, and to that end to prohibit discrimination in all housing accommodations by any person. Section 201 of the Charter ensures that no person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of laws in such a way that such person(s) is adversely affected in the areas of housing and residential real estate, employment, law enforcement, education, financial lending, public accommodations, or commercial real estate.

(b) The Prince George's County Council finds that areas of the County are in varying stages of physical and/or economic decline; that a number of persons of low and moderate financial means reside in these areas; and that the welfare of the County and the well-being of its citizens depend on the alleviation of these conditions and the establishment and maintenance of viable urban and rural communities through a coordinated and systematic County-wide program utilizing Federal, State, and local resources. In recognition of these conditions, the County Council hereby declares its intent to establish a coordinated and systematic County-wide housing and community development plan and program incorporating innovative approaches designed to revitalize deteriorating communities, and provide decent housing, a suitable living environment, expanded economic opportunities, and public services, principally to persons of low and moderate income.

* * * * *

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 2-186 and 2-210 of Division 12 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 12. HUMAN RELATIONS COMMISSION.

Sec. 2-186 Definitions.

* * * * *

1 (17) “Source of income” means any lawful verifiable source of money paid directly or
2 indirectly to a renter or a buyer of a housing unit, including:

3 (A) Income received through any lawful profession or occupation, including but
4 not limited to, bank statements, official government issued letters, pay stub or letter from an
5 employer;

6 (B) Federal, state, or local government assistance including housing vouchers,
7 medical assistance subsidies, rental assistance, and rent supplements as issued under the United
8 States Housing Act of 1937.

9 (C) Any inheritance, pension, annuity, alimony, child support, trust, or
10 investment accounts;

11 (D) Any gift verified by a letter or other means but, unless it is recurring
12 throughout a tenancy, the gift may support one-time expenses only, such as a security deposit or
13 pet fee; and

14 (E) Any sale or pledge of property if the sale or pledge will result in proceeds
15 inuring to the recipient’s benefit within sixty days of the application to rent a housing unit,
16 purchase a housing unit, or purchase an interest in a housing unit.

17 (18) Wrongful practice shall mean an act for which the Commission shall have the power
18 to issue Cease and Desist Orders and enforce through the Court. It shall not constitute a
19 misdemeanor or a prohibited act as defined by Section 1-123 of this Code.

20 * * * * *

21 **SUBTITLE 2. ADMINISTRATION**

22 **DIVISION 12. HUMAN RELATIONS COMMISSION**

23 **SUBDIVISION 5. PROHIBITED ACTS IN HOUSING AND RESIDENTIAL**
24 **REAL ESTATE**

25 **Sec. 2-210. - Sale or rental of housing; exception.**

26 (a) No person, whether acting for monetary gain or not, shall:
27 (1) Refuse to sell, lease, sublease, rent, assign, or otherwise transfer; or refuse to
28 negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold,
29 or other interest in any housing; or represent that housing is not available for inspection, sale,
30 lease, sublease, rental, assignment, or other transfer when in fact it is so available; or otherwise
31 make housing unavailable, deny, or withhold any housing from any person because of race,

1 religion, color, sex, national origin, immigration status, citizenship status, source of income, age,
2 occupation, marital status, political opinion, personal appearance, sexual orientation, physical or
3 mental disability, or familial status;

4 (1.1) Deny any person access to, or membership or participation in, any multiple listing
5 service, real estate brokers' organization, or other service, organization, or facility relating to the
6 business of selling or renting housing, or to discriminate against any person in the terms or
7 conditions of such access, membership, or participation, or in the selling, brokering, or appraisal
8 of residential real estate on account of race, religion, color, sex, national origin, immigration
9 status, citizenship status, source of income, age, occupation, marital status, political opinion,
10 personal appearance, sexual orientation, physical or mental disability, or familial status;

11 (2) Include in the terms, conditions, or privileges of any sale, lease, sublease, rental,
12 assignment, or other transfer of any housing, any clause, condition, or restriction discriminating
13 against any person in the use or occupancy of such housing because of race, religion, color, sex,
14 national origin, immigration status, citizenship status, source of income, age, occupation, marital
15 status, political opinion, personal appearance, sexual orientation, physical or mental disability, or
16 familial status;

17 (3) Discriminate in the furnishings of any facilities, repairs, improvements, or
18 services, or in the terms, conditions, privileges, or tenure of occupancy of any person because of
19 race, religion, color, sex, national origin, immigration status, citizenship status, source of income,
20 age, occupation, marital status, political opinion, personal appearance, sexual orientation,
21 physical or mental disability, or familial status;

22 (4) Print or publish, or cause to be printed or published, any notice, statement, listing
23 or advertisement, or to announce a policy, or use any form of application for purchase, lease,
24 rental, or financing of any housing indicating any preference, limitation, or specification based
25 upon race, religion, color, sex, national origin, immigration status, citizenship status, source of
26 income, age, occupation, marital status, political opinion, personal appearance, sexual
27 orientation, physical or mental disability, or familial status;

28 (5) Induce or attempt to induce any person to sell or rent any housing by
29 representations regarding the entry or prospective entry into the neighborhood of a person or
30 persons of a particular race, color, religion, sex, national origin, immigration status, citizenship
31 status, source of income, age, occupation, marital status, political opinion, personal appearance,

1 sexual orientation, physical or mental disability, or familial status;

2 (6) Discriminate in the sale or rental, or otherwise make unavailable or deny, housing
3 to any buyer or renter because of a disability of:

4 (A) The buyer or renter;

5 (B) A person residing in, or intending to reside in, the housing after it is sold,
6 rented, or made available; or

7 (C) Any person associated with the buyer or renter.

8 (7) Discriminate against any person in terms, conditions, or privileges of sale or
9 rental of housing, or in the provisions of services or facilities in connection with such housing,
10 because of a disability of:

11 (A) The person; or

12 (B) A person residing in, or intending to reside in, the housing after it is so sold,
13 rented, or made available; or

14 (C) Any person associated with the person.

15 (8) For purposes of Subsections (6) and (7), above, discrimination includes:

16 (A) A refusal to permit, at the expense of the person with a disability, reasonable
17 modifications of existing premises occupied or to be occupied by such person if such
18 modifications may be necessary to afford such person full enjoyment of the premises, except
19 that, in the case of rental, the landlord may, where it is reasonable to do so, condition permission
20 for a modification on the renter agreeing to restore the interior of the premises to the condition
21 that existed before the modification, reasonable wear and tear excepted;

22 (B) A refusal to make reasonable accommodations in rules, policies, practices,
23 or services, when such accommodations may be necessary to afford such person equal
24 opportunity to use and enjoy housing;

25 (C) A failure to construct a covered multifamily dwelling in accordance with the
26 Building Code with regard to accessibility by a person with a disability.

27 (9) Discriminate by inquiring about immigration status or citizenship status in
28 connection with the sale, lease, sublease, assignment, or other transfer of a housing unit, unless
29 to comply with a federal or state law or a court order.

30 (10) Discriminate by requiring documentation, information, or other proof of
31 immigration status or citizenship status, unless to comply with a federal or state law or a court

1 order.

2 (11) Discriminate in the sale, lease, sublease, assignment, or other transfer of a
 3 housing unit by requiring proof of immigration status or citizenship status, such as a social
 4 security number, without providing an alternative that does not reveal immigration status or
 5 citizenship status, such as an individual taxpayer identification number.

6 (12) Discriminate by disclosing, reporting, or threatening to disclose or report
 7 immigration status or citizenship status to anyone, including an immigration authority, law
 8 enforcement agency, or local, state, or federal agency, for the purpose of inducing a person to
 9 vacate the housing unit or for the purpose of retaliating against a person for the filing of a claim
 10 or complaint.

11 (13) Discriminate by evicting a person from a housing unit or by otherwise attempting
 12 to obtain possession of a housing unit because of the person's immigration status or citizenship
 13 status unless the remedy is sought to comply with a federal or state law or a court order.

14 (14) Nothing in this Subsection requires that housing be made available to an
 15 individual whose tenancy would constitute a direct threat to the health or safety of other
 16 individuals or whose tenancy would result in substantial physical damage to the property of
 17 others.

18 (b) Discrimination based on age or familial status as defined in Section 2-186 shall not be
 19 wrongful with regard to housing operated in connection with any retirement or senior citizen
 20 home or housing which is:

21 (1) Provided under any Federal or State program that the Executive Director
 22 determines, as consistent with the U.S. Department of Housing and Urban Development, is
 23 specifically designed and operated to assist elderly persons;

24 (2) Intended for, and solely occupied by, persons sixty-two (62) years of age or older;
 25 or

26 (3) Intended and operated for occupancy by at least one person fifty-five (55) years of
 27 age or older per unit, provided that the housing satisfies the requirements of Title 24, Code of
 28 Federal Regulations, Section 100:304.

29 (c) Discrimination shall not be wrongful with regard to the leasing of a room(s) or
 30 apartment(s) in an owner-occupied dwelling consisting of not more than three (3) rental units
 31 except as specified in (a)(4) of this Section.

1 (d) No person shall coerce, intimidate, threaten, or interfere with any person in the exercise
2 or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that
3 person having aided or encouraged any other person in the exercise or enjoyment of, any right
4 granted or protected by this Division.

5 (e) Nothing in this Division shall prohibit a religious organization, association, or society,
6 or any nonprofit institution or organization operated, supervised, or controlled by or in
7 conjunction with a religious organization, association, or society, from limiting the sale, rental,
8 or occupancy of housing which it owns or operates, for other than commercial purposes, to
9 persons of the same religion, or from giving preference to such persons, unless membership in
10 such religion is restricted on account of race, color, sex, national origin, immigration status,
11 citizenship status, source of income, age, occupation, marital status, political opinion, personal
12 appearance, sexual orientation, physical or mental disability, or familial status.

13 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
14 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
15 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
16 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
17 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
18 Act, since the same would have been enacted without the incorporation in this Act of any such
19 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
20 or section.

21 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
22 calendar days after it becomes law.

Adopted this 19th day of November , 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.