

# HOUSE BILL 315

D5

(6lr1839)

## ENROLLED BILL

— Economic Matters/Judicial Proceedings —

Introduced by **Delegate Stewart**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Human Relations – Discrimination in Housing – Income-Based Housing~~  
3 ~~Subsidies~~

4 Landlord and Tenant – Discrimination in Housing for Income-Based Housing  
5 Subsidies and Positive Rental History Reporting

6 FOR the purpose of providing that a certain landlord may not refuse to rent to a prospective  
7 tenant who pays rent with the assistance of an income-based housing subsidy under  
8 certain circumstances, subject to a certain exception; establishing that a violation of  
9 this Act is a discriminatory housing practice and is subject to enforcement by the  
10 Maryland Commission on Civil Rights; requiring that a certain landlord of  
11 residential real property offer a certain tenant the option of having positive rental  
12 payment history reported to a certain consumer reporting agency; and generally  
13 relating to housing discrimination and rental history reporting.

14 BY repealing and reenacting, without amendments,

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Article – State Government  
 2 Section 20–701(a) and 20–1020(a)  
 3 Annotated Code of Maryland  
 4 (2021 Replacement Volume and 2025 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – State Government  
 7 Section 20–701(c) and 20–1020(e)  
 8 Annotated Code of Maryland  
 9 (2021 Replacement Volume and 2025 Supplement)

10 BY adding to  
 11 Article – State Government  
 12 Section 20–705.1  
 13 Annotated Code of Maryland  
 14 (2021 Replacement Volume and 2025 Supplement)

15 BY adding to  
 16 Article – Real Property  
 17 Section 8–208.4  
 18 Annotated Code of Maryland  
 19 (2023 Replacement Volume and 2025 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 21 That the Laws of Maryland read as follows:

22 **Article – State Government**

23 20–701.

24 (a) In this subtitle the following words have the meanings indicated.

25 (c) “Discriminatory housing practice” means an act that is prohibited under §  
 26 20–705, § 20–705.1, § 20–706, § 20–707, or § 20–708 of this subtitle.

27 **20–705.1.**

28 (A) (1) IN THIS SECTION, “INCOME–BASED HOUSING SUBSIDY” MEANS  
 29 RECURRING MONETARY ASSISTANCE TO A LANDLORD FROM A GOVERNMENTAL  
 30 ENTITY OR NONPROFIT ORGANIZATION THAT IS INTENDED TO DEFRAID, IN WHOLE  
 31 OR IN PART, A TENANT’S RENT OBLIGATION.

32 (2) “INCOME–BASED HOUSING SUBSIDY” INCLUDES LOW–INCOME  
 33 HOUSING ASSISTANCE CERTIFICATES AND VOUCHERS ISSUED UNDER THE UNITED  
 34 STATES HOUSING ACT OF 1937.

1 (B) EXCEPT AS AUTHORIZED UNDER FEDERAL LAW, A LANDLORD ~~OR~~ OF  
 2 RESIDENTIAL RENTAL PROPERTY THAT USES FINANCIAL INFORMATION, INCLUDING  
 3 CREDIT HISTORY, AS PART OF A PROSPECTIVE TENANT'S RENTAL APPLICATION MAY  
 4 NOT REFUSE TO RENT TO A PROSPECTIVE TENANT WHO PAYS RENT WITH THE  
 5 ASSISTANCE OF AN INCOME-BASED HOUSING SUBSIDY ON THE BASIS OF:

6 (1) THE PROSPECTIVE TENANT'S INCOME;

7 (2) THE PROSPECTIVE TENANT'S CREDIT SCORE OR LACK OF CREDIT  
 8 SCORE; OR

9 (3) ANY ADVERSE CREDIT HISTORY THAT AROSE DURING A PERIOD  
 10 WHEN THE PROSPECTIVE TENANT DID NOT HAVE AN INCOME-BASED HOUSING  
 11 SUBSIDY, IF ~~THE LANDLORD COULD REASONABLY HAVE KNOWN THE DATE ON WHICH~~  
 12 ~~THE SUBSIDY WAS RECEIVED~~ THE PERIOD DURING WHICH THE TENANT DID NOT  
 13 HAVE THE SUBSIDY IS CONFIRMED BY:

14 (I) THE APPLICANT;

15 (II) VOUCHER PAPERWORK;

16 (III) DOCUMENTS PROVIDED BY A PUBLIC HOUSING AUTHORITY;  
 17 OR

18 (IV) A PUBLIC HOUSING AUTHORITY IN RESPONSE TO A REQUEST  
 19 BY THE LANDLORD.

20 (C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A LANDLORD  
 21 MAY NOT REQUIRE THAT A PUBLIC HOUSING AUTHORITY VERIFY APPLICABLE DATES  
 22 FOR THE SUBSIDY FOR PURPOSES OF ASSESSING THE TENANT'S CREDIT HISTORY.

23 ~~(D)~~ (D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A  
 24 LANDLORD THAT RECEIVES FUNDING FROM A GOVERNMENTAL ENTITY, A  
 25 QUASI-GOVERNMENTAL ENTITY, OR A NONPROFIT ORGANIZATION THAT REQUIRES  
 26 INCOME QUALIFICATION FOR TENANTS IN INCOME-RESTRICTED RENTAL UNITS MAY  
 27 COLLECT FINANCIAL INFORMATION FROM A PROSPECTIVE TENANT IF THE  
 28 COLLECTION OF FINANCIAL INFORMATION IS A CONDITION OF THE FUNDING.

29 (E) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A LANDLORD ~~OR~~  
 30 OF RESIDENTIAL RENTAL PROPERTY MAY REQUIRE VERIFICATION THAT A TENANT  
 31 HAS SUFFICIENT INCOME TO PAY THE PORTION OF RENT NOT COVERED BY THE  
 32 INCOME-BASED HOUSING SUBSIDY USING AN INCOME TO TENANT'S PORTION OF  
 33 RENT RATIO THAT IS SUBSTANTIALLY EQUIVALENT TO THE RATIO USED BY THE  
 34 LANDLORD FOR NONSUBSIDIZED TENANTS.

1 (F) A LANDLORD OR OF RESIDENTIAL RENTAL PROPERTY MAY REFUSE TO  
 2 RENT TO A PROSPECTIVE TENANT WHO PAYS RENT WITH THE ASSISTANCE OF AN  
 3 INCOME-BASED HOUSING SUBSIDY ON THE BASIS OF ANY COMMERCIALY  
 4 REASONABLE AND NONDISCRIMINATORY USE OF:

5 (1) A REFERENCE FROM A PREVIOUS OR CURRENT LANDLORD OF THE  
 6 TENANT; OR

7 (2) THE TENANT'S HISTORY OF VIOLATING A LEASE, FAILING TO PAY  
 8 UTILITIES, CREATING A NUISANCE, OR DAMAGING PROPERTY.

9 20-1020.

10 (a) In this part the following words have the meanings indicated.

11 (e) "Discriminatory housing practice" means an act that is prohibited under §  
 12 20-705, § 20-705.1, § 20-706, § 20-707, or § 20-708 of this title.

13 Article – Real Property

14 8-208.4.

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 16 INDICATED.

17 (2) "CONSUMER REPORTING AGENCY" MEANS ANY PERSON OR  
 18 ENTITY THAT, FOR MONETARY FEES OF DUES OR ON A COOPERATIVE NONPROFIT  
 19 BASIS, REGULARLY ENGAGES, IN WHOLE OR IN PART, IN THE PRACTICE OF  
 20 ASSEMBLING OR EVALUATING CONSUMER CREDIT INFORMATION OR OTHER  
 21 INFORMATION ON CONSUMERS FOR THE PURPOSE OF FURNISHING CONSUMER  
 22 CREDIT REPORTS TO THIRD PARTIES.

23 (3) (I) "POSITIVE RENTAL PAYMENT HISTORY" MEANS  
 24 INFORMATION REGARDING A TENANT'S COMPLETE AND TIMELY PAYMENTS OF RENT.

25 (II) "POSITIVE RENTAL PAYMENT HISTORY" DOES NOT INCLUDE  
 26 AN INSTANCE IN WHICH A TENANT DID NOT COMPLETELY OR TIMELY MAKE A RENTAL  
 27 PAYMENT.

28 (4) "SECRETARY" MEANS THE SECRETARY OF HOUSING AND  
 29 COMMUNITY DEVELOPMENT.

1           **(B) THIS SECTION APPLIES ONLY TO A LANDLORD THAT OWNS SIX OR MORE**  
2 **RESIDENTIAL RENTAL UNITS IN THE STATE.**

3           **(C) A LANDLORD WHO OFFERS A RESIDENTIAL DWELLING UNIT FOR RENT**  
4 **SHALL INCLUDE IN A WRITTEN LEASE THE OPTION TO HAVE THE TENANT'S POSITIVE**  
5 **RENTAL PAYMENT HISTORY REPORTED TO AT LEAST ONE CONSUMER REPORTING**  
6 **AGENCY.**

7           **(D) (1) FOR A LEASE ENTERED INTO ON OR AFTER OCTOBER 1, 2026, THE**  
8 **OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING SHALL BE MADE AT THE**  
9 **TIME OF THE LEASE AGREEMENT AND AT LEAST ONCE ANNUALLY THEREAFTER.**

10           **(2) (I) FOR LEASES ENTERED INTO BEFORE OCTOBER 1, 2026, THE**  
11 **OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING SHALL BE MADE NOT**  
12 **LATER THAN JANUARY 1, 2027, AND AT LEAST ONCE ANNUALLY THEREAFTER.**

13           **(II) A LANDLORD SHALL DELIVER THE OFFER OF POSITIVE**  
14 **RENTAL PAYMENT HISTORY REPORTING TO THE TENANT BY:**

15                   **1. FIRST-CLASS MAIL WITH A CERTIFICATE OF MAILING;**

16                   **2. A DELIVERY SERVICE PROVIDING DELIVERY**  
17 **TRACKING AND CONFIRMATION; OR**

18                   **3. ELECTRONIC DELIVERY, IF THE TENANT HAS**  
19 **ELECTED TO RECEIVE NOTICES FROM THE LANDLORD IN THIS MANNER.**

20           **(E) THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING SHALL**  
21 **BE IN THE FORM SPECIFIED IN REGULATIONS ADOPTED BY THE SECRETARY UNDER**  
22 **SUBSECTION (J) OF THIS SECTION AND INCLUDE:**

23                   **(1) A STATEMENT THAT REPORTING OF THE TENANT'S POSITIVE**  
24 **RENTAL PAYMENT HISTORY IS OPTIONAL;**

25                   **(2) THE NAME OF EACH CONSUMER REPORTING AGENCY TO WHICH**  
26 **POSITIVE RENTAL PAYMENT HISTORY WILL BE REPORTED;**

27                   **(3) THE AMOUNT OF ANY FEE CHARGED PURSUANT TO SUBSECTION**  
28 **(H) OF THIS SECTION;**

29                   **(4) INSTRUCTIONS ON HOW TO SUBMIT THE WRITTEN ELECTION OF**  
30 **POSITIVE RENTAL PAYMENT HISTORY REPORTING TO THE LANDLORD;**

1           **(5) A STATEMENT THAT THE TENANT MAY OPT INTO POSITIVE RENTAL**  
2 **PAYMENT HISTORY REPORTING AT ANY TIME FOLLOWING THE INITIAL OFFER BY THE**  
3 **LANDLORD;**

4           **(6) A STATEMENT THAT THE TENANT MAY ELECT TO STOP POSITIVE**  
5 **RENTAL PAYMENT HISTORY REPORTING AT ANY TIME, BUT THAT THE TENANT WILL**  
6 **NOT BE ABLE TO RESUME POSITIVE RENTAL PAYMENT HISTORY REPORTING FOR AT**  
7 **LEAST 6 MONTHS AFTER AN ELECTION TO OPT OUT;**

8           **(7) INSTRUCTIONS ON HOW TO OPT OUT OF POSITIVE RENTAL**  
9 **PAYMENT HISTORY REPORTING; AND**

10           **(8) A SIGNATURE BLOCK THAT THE TENANT SHALL DATE AND SIGN IN**  
11 **ORDER TO ACCEPT THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING.**

12           **(F) IF THE OFFER OF POSITIVE RENTAL PAYMENT HISTORY REPORTING IS**  
13 **MADE BY FIRST-CLASS MAIL, THE LANDLORD SHALL PROVIDE THE TENANT WITH A**  
14 **SELF-ADDRESSED, STAMPED ENVELOPE TO RETURN THE WRITTEN ELECTION OF**  
15 **POSITIVE RENTAL PAYMENT HISTORY REPORTING.**

16           **(G) (1) A TENANT MAY SUBMIT THE TENANT'S COMPLETED WRITTEN**  
17 **ELECTION AT ANY TIME AFTER THE TENANT RECEIVES THE OFFER OF POSITIVE**  
18 **RENTAL PAYMENT HISTORY REPORTING FROM THE LANDLORD.**

19           **(2) (I) A TENANT MAY REQUEST ADDITIONAL COPIES OF THE**  
20 **WRITTEN ELECTION OF POSITIVE RENTAL PAYMENT HISTORY REPORTING FROM THE**  
21 **LANDLORD AT ANY TIME.**

22           **(II) A LANDLORD THAT RECEIVES A REQUEST FROM A TENANT**  
23 **PURSUANT TO THIS PARAGRAPH SHALL COMPLY WITH THE REQUEST.**

24           **(H) (1) IF A TENANT ELECTS TO HAVE POSITIVE RENTAL PAYMENT**  
25 **HISTORY REPORTED TO A CONSUMER REPORTING AGENCY THE LANDLORD MAY**  
26 **REQUIRE THAT THE TENANT PAY A FEE NOT TO EXCEED THE LESSER OF THE ACTUAL**  
27 **COST TO THE LANDLORD TO PROVIDE THE SERVICE OR \$10 PER MONTH.**

28           **(2) (I) THE PAYMENT OR NONPAYMENT OF A FEE UNDER THIS**  
29 **SUBSECTION MAY NOT BE REPORTED TO A CONSUMER REPORTING AGENCY.**

30           **(II) A FEE COLLECTED UNDER THIS SUBSECTION IS NOT RENT**  
31 **AND MAY NOT BE CREDITED TOWARDS FULL OR PARTIAL SATISFACTION OF RENT OR**  
32 **ANY OTHER OBLIGATION UNDER THE LEASE.**

1 (III) IF A TENANT FAILS TO PAY ANY FEE REQUIRED BY THE  
2 LANDLORD UNDER THIS SUBSECTION FOR 30 DAYS OR MORE:

3 1. THE LANDLORD MAY STOP REPORTING THE TENANT’S  
4 RENTAL PAYMENTS; AND

5 2. THE TENANT MAY NOT ELECT POSITIVE RENTAL  
6 PAYMENT HISTORY REPORTING FOR A PERIOD OF AT LEAST 6 MONTHS AFTER THE  
7 DATE ON WHICH THE FEE FIRST BECAME DUE.

8 (I) (1) A LANDLORD SHALL STOP REPORTING POSITIVE RENTAL  
9 PAYMENT HISTORY ON WRITTEN REQUEST BY A TENANT.

10 (2) A TENANT WHO ELECTS TO HAVE REPORTING STOPPED MAY NOT  
11 ELECT POSITIVE RENTAL PAYMENT HISTORY REPORTING AGAIN FOR A PERIOD OF AT  
12 LEAST 6 MONTHS AFTER THE DATE OF THE TENANT’S WRITTEN REQUEST TO HAVE  
13 REPORTING STOPPED.

14 (J) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
15 SECTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2026.

Approved:

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Governor.

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Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.