

HOUSE BILL 573

D5, C9

(6lr1216)

ENROLLED BILL

— *Economic Matters/Judicial Proceedings* —

Introduced by **Delegates Taveras, Acevero, Behler, Fennell, Foley, Hill, Ivey, Kaufman, Lehman, Moreno, Odom, Ruff, Spiegel, Terrasa, Turner, Vogel, Williams, Wims, Wolek, and Woods**

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 **Fair Housing and Housing Discrimination – Regulations, Intent, and**
3 **Discriminatory Effect**

4 FOR the purpose of authorizing the Department of Housing and Community Development
5 to adopt certain regulations related to affirmatively furthering fair housing;
6 providing that certain discriminatory housing practices may be committed without
7 intent; prohibiting a person from acting in a certain manner that has a
8 discriminatory effect; providing that certain conduct does not constitute a certain
9 violation; and generally relating to fair housing and discriminatory housing
10 practices.

11 BY repealing and reenacting, with amendments,
12 Article – Housing and Community Development

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 Section 2–402
2 Annotated Code of Maryland
3 (2019 Replacement Volume and 2025 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article – State Government
6 Section 20–101(a), (b), and (d), 20–701(a), 20–1020, 20–1035, 20–1040, and 20–1041
7 Annotated Code of Maryland
8 (2021 Replacement Volume and 2025 Supplement)

9 BY adding to
10 Article – State Government
11 Section 20–701(b–1)
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2025 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 20–702 and 20–705
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2025 Supplement)

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

21 **Article – Housing and Community Development**

22 2–402.

23 (a) The Department:

24 (1) shall administer its programs and activities related to housing and
25 community development to affirmatively further fair housing;

26 (2) shall explore ways to ensure it is collaborating with and supporting
27 nonprofit and governmental entities devoted to furthering fair housing; and

28 (3) may not take any action that is materially inconsistent with the
29 obligation to affirmatively further fair housing.

30 (b) (1) The Department shall require political subdivisions and housing
31 authorities to affirmatively further fair housing.

32 (2) To ensure that political subdivisions and housing authorities
33 affirmatively further fair housing, the Department shall, in accordance with § 3–114(d)(2)
34 of the Land Use Article, require a political subdivision or housing authority to submit an

1 assessment of fair housing to the Department as part of the housing element of a
2 comprehensive plan.

3 (c) This section does not:

4 (1) require a political subdivision or housing authority to take a specific
5 action to affirmatively further fair housing; or

6 (2) prohibit a political subdivision or housing authority from taking a
7 specific action to affirmatively further fair housing.

8 **(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**
9 **SECTION.**

10 Article – State Government

11 20–101.

12 (a) In Subtitles 1 through 11 of this title the following words have the meanings
13 indicated.

14 (b) “Commission” means the Commission on Civil Rights.

15 (d) “Discriminatory act” means an act prohibited under:

16 (1) Subtitle 3 of this title (Discrimination in Places of Public
17 Accommodation);

18 (2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated
19 by Maryland Department of Labor);

20 (3) Subtitle 5 of this title (Discrimination in Leasing of Commercial
21 Property);

22 (4) Subtitle 6 of this title (Discrimination in Employment);

23 (5) Subtitle 7 of this title (Discrimination in Housing); or

24 (6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory
25 Act; Obstructing Compliance).

26 20–701.

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

1 **(B-1) “DISCRIMINATORY EFFECT” MEANS AN EFFECT THAT ACTUALLY OR**
2 **PREDICTABLY HAS A DISPARATE IMPACT ON A GROUP OF PERSONS OR CREATES,**
3 **INCREASES, REINFORCES, OR PERPETUATES SEGREGATED HOUSING PATTERNS**
4 **BECAUSE OF RACE, COLOR, RELIGION, SEX, DISABILITY, MARITAL STATUS, FAMILIAL**
5 **STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN, SOURCE OF**
6 **INCOME, OR MILITARY STATUS.**

7 20–702.

8 (a) It is the policy of the State:

9 (1) to provide for fair housing throughout the State to all, regardless of
10 race, color, religion, sex, familial status, national origin, marital status, sexual orientation,
11 gender identity, disability, source of income, or military status; and

12 (2) to that end, to prohibit discriminatory practices **OR ACTS THAT HAVE**
13 **A DISCRIMINATORY EFFECT, REGARDLESS OF INTENT,** with respect to residential
14 housing by any person, in order to protect and ensure the peace, health, safety, prosperity,
15 and general welfare of all.

16 (b) This subtitle:

17 (1) is an exercise of the police power of the State for the protection of the
18 people of the State; and

19 (2) shall be administered and enforced by the Commission and, as provided
20 in this title, enforced by the appropriate State court.

21 20–705.

22 **(A) Except as provided in SUBSECTION (B) OF THIS SECTION AND §§ 20–703**
23 **and 20–704 of this subtitle, a person may not, REGARDLESS OF INTENT:**

24 (1) refuse to sell or rent after the making of a bona fide offer, refuse to
25 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any
26 person because of race, color, religion, sex, disability, marital status, familial status, sexual
27 orientation, gender identity, national origin, source of income, or military status;

28 (2) discriminate against any person in the terms, conditions, or privileges
29 of the sale or rental of a dwelling, or in the provision of services or facilities in connection
30 with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital
31 status, familial status, sexual orientation, gender identity, national origin, source of
32 income, or military status;

33 (3) make, print, or publish, or cause to be made, printed, or published, any
34 notice, statement, or advertisement with respect to the sale or rental of a dwelling that

1 indicates any preference, limitation, or discrimination based on race, color, religion, sex,
2 disability, marital status, familial status, sexual orientation, gender identity, national
3 origin, source of income, or military status, or an intention to make any preference,
4 limitation, or discrimination;

5 (4) represent to any person, because of race, color, religion, sex, disability,
6 marital status, familial status, sexual orientation, gender identity, national origin, source
7 of income, or military status, that any dwelling is not available for inspection, sale, or rental
8 when the dwelling is available; [or]

9 (5) for profit, induce or attempt to induce any person to sell or rent any
10 dwelling by representations regarding the entry or prospective entry into the neighborhood
11 of a person of a particular race, color, religion, sex, disability, marital status, familial status,
12 sexual orientation, gender identity, national origin, source of income, or military status; OR

13 (6) ACT IN A MANNER THAT HAS A DISCRIMINATORY EFFECT.

14 (B) A PERSON HAS NOT VIOLATED A PROHIBITION IN SUBSECTION (A) OF
15 THIS SECTION IF:

16 (1) THE ACTION WAS WITHOUT DISCRIMINATORY INTENT;

17 (2) THE ACTION WAS NECESSARY TO ACHIEVE ONE OR MORE
18 SUBSTANTIAL, LEGITIMATE, AND NONDISCRIMINATORY INTERESTS; AND

19 (3) THE PERSON COULD NOT HAVE ACHIEVED THE SUBSTANTIAL,
20 LEGITIMATE, AND NONDISCRIMINATORY INTERESTS BY LESS DISCRIMINATORY
21 MEANS.

22 20-1020.

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

24 (b) "Aggrieved person" means any person that claims to have been injured by a
25 discriminatory housing practice.

26 (c) "Conciliation" means the attempted resolution of issues raised by a complaint,
27 or by the investigation of a complaint, through informal negotiations involving the
28 aggrieved person, the respondent, and the Commission.

29 (d) "Conciliation agreement" means a written agreement between the respondent
30 and the complainant setting forth the resolution of the issues in conciliation.

31 (e) "Discriminatory housing practice" means an act that is prohibited under §
32 20-705, § 20-706, § 20-707, or § 20-708 of this title.

1 (f) "Prevailing party" has the meaning as judicially determined under 42 U.S.C.
2 § 1988.

3 20–1035.

4 (a) In accordance with this section, an aggrieved person may commence a civil
5 action in an appropriate State court to obtain appropriate relief for an alleged
6 discriminatory housing practice or the breach of a conciliation agreement entered into
7 under this part.

8 (b) (1) The action shall be filed within 2 years after the later of the occurrence
9 or termination of the alleged discriminatory housing practice or the breach of the
10 conciliation agreement.

11 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the
12 computation of the 2–year period does not include any time during which an administrative
13 proceeding under this part was pending for a complaint or charge based on the alleged
14 discriminatory housing practice.

15 (ii) Subparagraph (i) of this paragraph does not apply to an action
16 arising from a breach of a conciliation agreement.

17 (3) Except as provided in subsection (c) of this section, an aggrieved person
18 may commence a civil action under this section:

19 (i) not sooner than 130 days after a complaint has been filed under
20 § 20–1021 of this subtitle; and

21 (ii) regardless of the status of any complaint.

22 (c) (1) If the Commission or a State or local unit has obtained a conciliation
23 agreement with the consent of an aggrieved person, the aggrieved person may not file an
24 action under this section for the alleged discriminatory housing practice that forms the
25 basis for the complaint, except for the purpose of enforcing the terms of the conciliation
26 agreement.

27 (2) An aggrieved person may not commence a civil action under this section
28 with respect to an alleged discriminatory housing practice that forms the basis of a charge
29 issued by the Commission, if an administrative law judge has commenced a hearing on the
30 record under this part with respect to the charge.

31 (d) On application by a person alleging a discriminatory housing practice or a
32 person against whom a discriminatory housing practice is alleged, the court may:

33 (1) appoint an attorney for the person; or

1 (2) if, in the opinion of the court, the person is financially unable to bear
2 the costs of the action, authorize the commencement or continuation of a civil action under
3 subsection (a) of this section without the payment of fees, costs, or security.

4 (e) (1) In a civil action under this section, if the court finds that a
5 discriminatory housing practice has occurred, the court may:

6 (i) award to the plaintiff actual and punitive damages; and

7 (ii) subject to subsection (f) of this section, grant as relief, as the
8 court considers appropriate, any permanent or temporary injunction, temporary
9 restraining order, or other order, including an order enjoining the defendant from engaging
10 in the practice or ordering affirmative action.

11 (2) In a civil action under this section, the court may allow the prevailing
12 party reasonable attorney's fees and costs.

13 (f) Relief granted under this section may not affect any contract, sale,
14 encumbrance, or lease consummated before the granting of relief and involving a bona fide
15 purchaser, encumbrancer, or tenant without actual notice of the filing of a complaint with
16 the Commission or civil action under this part.

17 (g) If the Commission certifies that the case is of general public importance and
18 on timely application, the Commission may:

19 (1) intervene in a civil action brought under this section; and

20 (2) obtain any relief that would be available to the Commission under §
21 20–1036(c) of this subtitle.

22 20–1040.

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

24 (b) “Attorney General” means the Attorney General and the Office of the Attorney
25 General.

26 (c) (1) “Civil rights violation” means an act of discrimination prohibited under
27 the U.S. Constitution, the Maryland Constitution, or State or federal law.

28 (2) “Civil rights violation” includes a discriminatory act as defined in §
29 20–101 of this title.

30 20–1041.

31 (a) The Attorney General may investigate, prosecute, and remediate, on behalf of
32 the residents of the State, any conduct that constitutes a civil rights violation.

1 (b) The Attorney General may not bring a civil rights action under this part:

2 (1) on behalf of an individual;

3 (2) against a political subdivision;

4 (3) against any unit of State or local government established by law; or

5 (4) against any employee or agent of an entity identified in item (2) or (3)
6 of this subsection who is acting under the color of law.

7 (c) Nothing in this part may be interpreted to impair the rights and powers of the
8 Commission under Subtitles 1 through 11 of this title.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.