

SENATE BILL 335

D5

(6lr1840)

ENROLLED BILL

— Judicial Proceedings/Economic Matters —

Introduced by **Senators Love, Charles, Henson, Hettleman, Lam, Muse, and Sydnor**

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.

President.

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 *a provision of* this Act is a discriminatory housing practice and is subject to
10 enforcement by the Maryland Commission on Civil Rights; requiring that a certain
11 landlord of residential real property offer a certain tenant the option of having
12 positive rental payment history reported to a certain consumer reporting agency; and
13 generally relating to housing discrimination and rental history reporting.

14 BY repealing and reenacting, without amendments,

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 OF
 30 RESIDENTIAL RENTAL PROPERTY MAY REQUIRE VERIFICATION THAT A TENANT HAS
 31 SUFFICIENT INCOME TO PAY THE PORTION OF RENT AND UTILITIES NOT COVERED
 32 BY THE INCOME-BASED HOUSING SUBSIDY USING AN INCOME TO TENANT'S PORTION
 33 OF RENT RATIO THAT IS SUBSTANTIALLY EQUIVALENT TO THE RATIO USED BY THE
 34 LANDLORD FOR NONSUBSIDIZED TENANTS.

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

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

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

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

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

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

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

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

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

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

28 **(3) THE AMOUNT OF ANY FEE CHARGED UNDER SUBSECTION ~~(G)~~ (H)**
29 **OF THIS SECTION;**

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

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

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

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

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

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

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

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

31 (II) A FEE COLLECTED UNDER THIS SUBSECTION IS NOT RENT
32 AND MAY NOT BE CREDITED TOWARDS FULL OR PARTIAL SATISFACTION OF RENT OR
33 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 ~~(H)~~ (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
12 AT LEAST 6 MONTHS AFTER THE DATE OF THE TENANT’S WRITTEN REQUEST TO HAVE
13 REPORTING STOPPED.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.