



# Fair Housing Law

## Protected Class

The federal Fair Housing Act (42 U.S.C.A. § 3601 et seq.), State (MD STATE GOVT § 20-705 et. seq.), and local laws (Baltimore County Code §§ 29-1-101 et. seq.) prohibit discrimination in housing based on:

- Race or Color
- Religion
- Sex
- Disability
- National Origin
- Marital Status
- Sexual Orientation
- Gender Identity
- Military Veterans Status
- Age
- Creed

## What is Prohibited?

The rental property owner or manager is prohibited from the following actions solely because of the tenant’s membership in a protected class:

- Refuse to rent housing
- Refuse to negotiate for housing
- Make unavailable or deny a dwelling
- Set different terms, conditions, or privileges for rent of a dwelling
- Provide different housing services and facilities
- Falsely deny that housing is available for rent
- Represent that housing used by a protected class member may result in (1) lowering of property values, (2) change in the ethnic makeup of neighborhood, or (3) decline in the quality of schools.
- Deny anyone access to, or membership in, a facility or service related to the rental

of housing, or discriminate against any person in the terms or conditions of such access.

## What are Exceptions?

In some circumstances, laws exempt:

- Owner-occupied buildings with 4 units or fewer
- Single family housing sold without use of a broker
- Housing operated by organizations and private clubs that limit occupancy to members
- Some senior housing facilities and communities are exempt from liability based on familial status
- Gender preference may be acceptable if there is a shared kitchen or bath

## Familial Status

In general, protections cover:

- Households in which one or more children under 18 years old live with:
  - o A parent
  - o A person who has legal custody (guardianship)
  - o The designee of a parent or legal custodian
- A pregnant woman
- Any person in the process of securing legal custody of a child under 18

## Additional Protections for the Disabled

If a tenant or member of their household:

- Has a physical or mental disability that substantially limits one or more major life activities
- Has a record of such disability or
- Is regarded as having such a disability

If the protection applies, a landlord may not:

- Refuse to let the tenant make reasonable modifications to the dwelling or common use areas, at the tenant’s expense, if necessary for the disabled person to use the housing.
- Refuse to make reasonable accommodations in rules, policies, practices, or services, if necessary for the disabled person to use the housing.
  - o For example, a pet policy may not be applied to a prospective tenant who has an assistance or companion animal

## Military Veterans Status

Baltimore County prohibits discrimination of Military Veterans. A “Veteran” is a person who is:

- A former member of the United States armed forces who was discharged from active duty under circumstances other than dishonorable
- A member of the Maryland National Guard
- A member of a reserve component of the United States armed forces

## Fair Housing Do’s and Don’ts

Don’t...

- Make, print, or publish any statement, in connection with the rental of a dwelling that indicates a preference, limitation, or discrimination based on a protected class.
  - o This Prohibition applies to single-family and owner-occupied housing that is otherwise exempt from laws prohibiting housing discrimination.
- Refuse to consider the both applicants’ income
- Threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Ask illegal questions about an applicants’ marital status, religion practices, or sexual orientation.
- Steer applicants to other landlords or neighborhoods
- Ask applicants about birth control or family practices

Do...

- Treat each applicant equally. Be consistent in the information you request and the applicant approval process.
- Document contacts with applicants and tenants in writing
- Keep a written copy of your policies and procedures on applications and occupancy
- Educate and train people working for you about Fair Housing Laws and practices