

OFFICE OF LAW
160 DUKE OF GLOUCESTER STREET
ANNAPOLIS, MARYLAND 21401

Linda M. Schuett,
Acting City Attorney

Telephone (410) 263-7954
Email: imschuett@annapolis.gov

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LEGISLATIVE SUMMARY

ORDINANCE 1-19

Ordinance 1-19 includes “immigration status” and “citizenship status” to the existing list of protected classes and provides that “immigration status” and “citizenship status” include a person’s actual or perceived immigration or citizenship status.

The ordinance declares the following as unlawful housing practices: (1) to discriminate by inquiring about immigration status or citizenship status; (2) to discriminate by requiring proof of immigration status or citizenship status; (3) to discriminate by requesting in any type of background check, credit check, or other screening process proof that reveals immigration status or citizenship status, such as a social security card, unless an alternative is provided that does not reveal immigration status or citizenship status, such as a taxpayer identification number; (4) to discriminate by disclosing, reporting, or threatening to report immigration status or citizenship status to anyone for any purpose; and (5) to discriminate by evicting or otherwise attempting to obtain possession of a housing unit because of the person’s immigration status or citizenship status unless the remedy is sought to comply with law or a court order.

Other changes are made in an effort to improve the City’s Fair Housing Law. These changes include the following:

1. In Section 11.32.020 A, the word “discriminate” is added to the definition because the Fair Housing law uses the word “discriminate” far more often than the term “discrimination.” Indeed, “discrimination” is used only in Section 11.32.010.
2. In Section 11.32.030 A, the phrase “to discriminate” is added for purposes of consistency. It is also added elsewhere, either for consistency or to make it clear that discrimination, as defined, must be present for the conduct to constitute an unlawful housing practice.
3. In Section 11.32.020 B, the definition of “housing unit” is changed in the following respects:

- The phrase “residential building lot” is deleted because a lot or parcel of land, by itself and without some type of dwelling unit on it, is not a “housing unit.”
 - The phrase “any of which are” is added to make it clear that what follows applies to all housing units, not just dwellings.
 - The phrase “a group of individuals living together” is narrowed to make clearly applicable the habitable floor area requirements in Section 17.40.460 of the Code and the sleeping area requirements contained in Section 17.40.470 of the Code.
 - The phrase “within a multiple housing accommodation” is deleted. The term is not defined in this section and this is the only place in the Code where the term is used. It would probably be interpreted to mean a multifamily dwelling, *i.e.*, an apartment building. As written, the phrase modifies “a group of individuals,” such that a group of individuals is allowed only if they live in an apartment building. If the group lives in a single-family detached dwelling, for example, they do not live in a “housing unit” and are not protected from the discrimination prohibited in the subsequent section. The phrase is deleted to protect all persons in all housing units.
4. In Section 11.32.020 D, the definition of “source of income” is changed in two respects.
- First, the phrase “a renter or buyer of housing” is changed to “a renter or buyer of a housing unit” because “housing unit” is a defined term. This change, to use the defined term “housing unit,” is also made in other parts of the ordinance.
 - Second, the phrase “other consideration or benefit” is eliminated as unnecessary. The list of one-time expenses for which a non-recurring gift may be used as income is illustrative only, so the broad and undefined “other consideration or benefit” is not needed. Note that “gift” is moved into a separate section for the style reason set forth below.
5. Sections 11.32.030 A1 and 2 currently provide that it is an unlawful housing practice for a person to “refuse to sell, lease, sublease, rent, assign, or otherwise transfer” or for a person to “refuse to negotiate for the sale, lease, sublease, rental, assignment, or other transfer of the title leasehold, or other interest in any housing unit. These are inaccurate statements because, generally speaking, it is not unlawful for a person to refuse to sell property or negotiate to sell property. The changes make it clear that these activities are unlawful only in connection with discrimination against a member of the protected class in reference to a housing unit.
6. In new Section 11.32.030 D5, the list of those things that might be used to induce or influence – post cards, letters, circulars, telephone, visitation – is deleted as unnecessary. The section provides that the attempt to induce or influence can be “by any means.”

There is another change to this section. Under existing law, it is an unlawful housing violation to induce or influence or attempt to induce or influence a person to list for sale, etc. by referring to the race, color, etc. of actual, possible, or anticipated neighbors, tenants, or prospective buyers if, but only if, the inducement is made “as a part of a process or pattern of inciting neighborhood unrest, community tension, or fear of racial, color, religious, nationality, or ethnic change in any street, block, neighborhood, or any other area.” Without proof of that process or pattern, there is no unlawful housing violation. The changes to this section make it an unlawful housing violation, with or without proof of that process or pattern.

7. In new Section 11.32.030 D6, the same change is made as is made in D5. Specifically, the reference to a “process or pattern” is deleted. In addition, various references to the nature of the untrue or misleading statement at the end of the section are deleted as unnecessary.
8. In new Section 11.32.030 D7, the same change is made as is made in D5 and 6. Specifically, the reference to a “process or pattern” is deleted.

Finally, numerous style changes are made throughout. Examples include the following:

- In the definition of “source of income,” “gift” as a source of income is moved into its own section to avoid having a sentence within a larger sentence. A few additional style changes are made.
- There are various sentences throughout that refer to a “purchase, lease, sublease, assignment, rental, or financing,” but some of the listings do not include all of the items or the items are stated differently. The phrases are made consistent throughout to the extent possible.
- The Code is inconsistent on the manner in which definitions are introduced. The ordinance changes the introduction to provide: “For purposes of this chapter, the following words and phrases have the meanings indicated.”
- The Code is inconsistent throughout as to the use of the Oxford comma, so commas are added throughout.
- The phrase “including, but not limited to,” is shortened to “including” because the word “including” necessarily means that what follows is not all inclusive.