



Legislation Details (With Text)

File #: O-1-19 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 3/30/2019 **In control:** City Council

On agenda: 5/13/2019 **Final action:** 5/13/2019

Title: Fair Housing - Protected Classes - For the purpose of adding protected classes to the Annapolis Fair Housing laws and including additional unlawful housing practices; and generally relating to Fair Housing.

Sponsors: Marc Rodriguez, Gavin Buckley, Rob Savidge, Elly Tierney, Sheila Finlayson

Indexes: Housing and Human Welfare Committee, Public Safety Committee

Code sections:

Attachments: 1. O-1-19 Fair Housing Ordinance First Reader.pdf, 2. O-1-19 Legislative Summary.pdf, 3. O-1-19 Staff Report and Fiscal Impact Note.pdf, 4. O-1-19 Amendment No 1 Rodriguez.pdf, 5. O-1-19 SIGNED.pdf

Date	Ver.	Action By	Action	Result
5/13/2019	1	City Council	adopt on second reader	Pass
5/13/2019	1	City Council	amended	Pass
5/13/2019	1	City Council	adopt as amended	Pass
5/13/2019	1	City Council	adopt on third reader	Pass
5/9/2019	1	Housing and Human Welfare Committee	recommend with amendments	Pass
5/9/2019	1	Housing and Human Welfare Committee	amendment(s) approved	Pass
5/9/2019	1	Housing and Human Welfare Committee	amendment(s) approved	Pass
5/6/2019	1	Public Safety Committee	amendment(s) approved	Pass
5/6/2019	1	Public Safety Committee	recommend with amendments	Pass
4/29/2019	1	City Council	declare the public hearing closed	
4/8/2019	1	City Council	adopt on first reader	Pass
4/8/2019	1	City Council	refer	
4/8/2019	1	City Council	refer	

Fair Housing - Protected Classes - For the purpose of adding protected classes to the Annapolis Fair Housing laws and including additional unlawful housing practices; and generally relating to Fair Housing.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 1-19

**Introduced by: Alderman Rodriguez, Mayor Buckley,
Alderman Savidge, Alderwoman Tierney, and Alderwoman Finlayson**

Referred to

Housing and Human Welfare Committee
Public Safety Committee

AN ORDINANCE concerning

Fair Housing - Protected Classes

FOR the purpose of adding protected classes to the Annapolis Fair Housing laws and including additional unlawful housing practices; and generally relating to Fair Housing.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2019 Edition
11.32.010
11.32.020
11.32.030

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

TITLE 11 - PUBLIC PEACE, MORALS AND WELFARE
Chapter 11.32 - FAIR HOUSING

Section 11.32.010 - ~~Policy~~GENERAL.

A. It is the policy of the City, in the exercise of its police powers for the protection of the public safety, public health, and general welfare, to assure equal opportunity to all persons to live in decent housing facilities and to eliminate discrimination in all housing accommodations regardless of race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin, and to that end to prohibit discrimination in all housing accommodations by any person.

B. FOR PURPOSES OF THIS CHAPTER, “IMMIGRATION STATUS” AND “CITIZENSHIP STATUS” INCLUDE:

1. A PERSON’S ACTUAL IMMIGRATION OR CITIZENSHIP STATUS; AND
2. A PERSON’S PERCEIVED IMMIGRATION OR CITIZENSHIP STATUS, INCLUDING A PERCEPTION BASED ON THE PERSON OR ON THE PERSON’S ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE A PARTICULAR IMMIGRATION OR CITIZENSHIP STATUS.

Section 11.32.020 - Definitions.

For the purposes of this chapter, the following words and phrases have the meanings ~~respectively ascribed to them by this section~~ INDICATED:

- A. "Discrimination" OR "DISCRIMINATE" means any difference in treatment solely because of race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin in the sale, lease, ~~rental~~, or financing of a housing unit.
- B. "Housing unit" means a single room, ~~or~~ A suite of rooms, ~~or~~ an apartment, or a residential building ~~lot~~ ~~or~~ dwelling house, ANY OF WHICH ARE occupied or intended for occupancy as separate living quarters by an individual, a family, or a group of individuals living together, AS LIMITED BY THE HABITABLE FLOOR AREA REQUIREMENTS CONTAINED IN SECTION 17.40.460 OF THIS CODE AND BY THE SLEEPING AREA REQUIREMENTS CONTAINED IN SECTION 17.40.470 OF THIS CODE ~~within a multiple housing accommodation.~~
- C. "Lending institution" means any bank, insurance company, savings and loan association, or any person or organization regularly engaged in the business of lending money or guaranteeing loans.
- D. "Source of income" means any lawful verifiable source of money paid directly or indirectly to a renter or buyer of A housing UNIT, including:
 - 1. income received through any lawful profession or occupation;
 - 2. federal, state, or local government assistance, including, ~~but not limited to~~, Section 8 housing choice vouchers, medical assistance subsidies, rental assistance, ~~or~~ AND rent supplements;
 - 3. any ~~gift~~, inheritance, pension, annuity, alimony, child support, trust, or investment accounts; ~~A gift may be only be considered income where it is verified by a letter of other means and unless it is recurring throughout a tenancy, may only support one time only expenses including a security deposit, pet fee, or other such fees, or other consideration or benefit; and~~
 - 4. ANY GIFT VERIFIED BY A LETTER OR OTHER MEANS BUT, UNLESS IT IS RECURRING THROUGHOUT A TENANCY, THE GIFT MAY SUPPORT ONE-TIME EXPENSES ONLY, SUCH AS A SECURITY DEPOSIT OR PET FEE; and
 - 5. any sale or pledge of property ~~where~~ IF the sale or pledge of property will result in proceeds inuring to the recipient's benefit within 60 days of the application to rent A HOUSING UNIT, ~~or~~ purchase a ~~property~~ HOUSING UNIT, or PURCHASE AN interest in ~~property~~ A HOUSING UNIT.

Section 11.32.030 - Unlawful housing practices.

~~UNLESS OTHERWISE REQUIRED BY LAW, IT~~ is an unlawful housing practice:

- A. For any person:
 - 1. To DISCRIMINATE IN THE SALE ~~refuse to sell~~, lease, sublease, ~~rent~~, ~~assign~~ ASSIGNMENT, or ~~otherwise~~ OTHER transfer OF A HOUSING UNIT,
 - 2. To ~~refuse~~ DISCRIMINATE BY REFUSING to negotiate for the sale, lease, sublease, ~~rental~~, assignment, or other transfer of the title, leasehold INTEREST, or other interest in ~~any~~ A housing unit,
 - 3. To DISCRIMINATE BY ~~represent~~ REPRESENTING that a housing unit is not available for inspection, sale, lease, sublease, ~~rental~~, assignment; or other transfer when in fact it is so available,
 - 4. ~~Otherwise to deny or withhold~~ TO DISCRIMINATE BY DENYING OR WITHHOLDING ~~any~~ A housing unit from any person because of the person's race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin,

5. TO DISCRIMINATE BY INCLUDING ~~To include~~ in the terms, conditions, or privileges of any sale, lease, sublease, ~~rental,~~ assignment, or other transfer of ~~any~~ A housing unit any clause, condition, or restriction ~~discriminating against any person~~ in the use or occupancy of ~~such~~ THE housing unit because of race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin,
6. To discriminate in the furnishing of any facilities, repairs, improvements, or services; or in the terms, conditions, privileges, or tenure of occupancy of ~~any~~ A housing unit because of race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin,
7. TO DISCRIMINATE BY INQUIRING ABOUT IMMIGRATION STATUS OR CITIZENSHIP STATUS IN CONNECTION WITH THE SALE, LEASE, SUBLEASE, ASSIGNMENT, OR OTHER TRANSFER OF A HOUSING UNIT,
8. TO DISCRIMINATE BY REQUIRING DOCUMENTATION, INFORMATION, OR OTHER PROOF OF IMMIGRATION STATUS OR CITIZENSHIP STATUS,
9. TO DISCRIMINATE BY REQUESTING, IN CONNECTION WITH A BACKGROUND CHECK, CREDIT CHECK, OR OTHER FORM OF SCREENING, DOCUMENTATION, INFORMATION, OR OTHER PROOF THAT REVEALS IMMIGRATION STATUS OR CITIZENSHIP STATUS, SUCH AS A SOCIAL SECURITY NUMBER, UNLESS AN ALTERNATIVE IS PROVIDED THAT DOES NOT REVEAL IMMIGRATION STATUS OR CITIZENSHIP STATUS, SUCH AS AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER. TO DISCRIMINATE IN THE SALE, LEASE, SUBLEASE, ASSIGNMENT, OR OTHER TRANSFER OF A HOUSING UNIT BY REQUIRING PROOF OF IMMIGRATION STATUS OR CITIZENSHIP STATUS, SUCH AS A SOCIAL SECURITY NUMBER, WITHOUT PROVIDING AN ALTERNATIVE THAT DOES NOT REVEAL IMMIGRATION STATUS OR CITIZENSHIP STATUS, SUCH AS AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER.
10. TO DISCRIMINATE BY DISCLOSING, REPORTING, OR THREATENING TO DISCLOSE OR REPORT IMMIGRATION STATUS OR CITIZENSHIP STATUS TO ANYONE, INCLUDING AN IMMIGRATION AUTHORITY, LAW ENFORCEMENT AGENCY, OR LOCAL, STATE, OR FEDERAL AGENCY, ~~FOR ANY PURPOSE, INCLUDING FOR THE PURPOSE OF INDUCING A PERSON TO VACATE THE HOUSING UNIT OR FOR THE PURPOSE OF RETALIATING AGAINST A PERSON FOR THE FILING OF A CLAIM OR COMPLAINT, AND~~
11. TO DISCRIMINATE BY EVICTING A PERSON FROM A HOUSING UNIT OR BY 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 A FEDERAL OR STATE LAW OR A COURT ORDER.

B. For any lending institution:

1. To discriminate in lending money, guaranteeing loans, accepting mortgages, or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair, or maintenance of ~~any~~A housing unit,
2. To discriminate in the fixing of the rates, terms, conditions, or provisions of any such financial assistance or in the extension of related service because of race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin;

C. For any person in connection with the prospective purchase, LEASE, SUBLEASE, ~~rental,~~ ASSIGNMENT ~~lease,~~ or financing of ~~any~~A housing UNIT, ~~in a manner which indicates race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, or national origin:~~

1. To publish or circulate, or ~~to~~ cause to be published or circulated, any notice, statement, or advertisement, THAT REFERENCES race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin,
2. To announce OR PUBLISH a policy RELATING TO race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin,
3. To use any form of application for the purchase, lease, SUBLEASE, ~~rental,~~ ASSIGNMENT, or financing of ~~any~~A housing unit THAT REQUIRES OR REQUESTS INFORMATION RELATING TO race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin,
4. To make any record or inquiry RELATING TO race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin;

D. For any person:

1. To aid, abet, compel, coerce, or participate in the doing of any act declared to be an unlawful housing practice under this chapter,
2. To obstruct or prevent the enforcement of or compliance with the provisions of this chapter,
3. To attempt directly or indirectly to commit any act declared by this chapter to be an unlawful housing practice,

E. For any person:

14. To DISCRIMINATE BY INDUCING ~~induce~~ or ~~attempt~~ ATTEMPTING to induce any person to transfer an interest in a housing unit by representations regarding the existing or potential proximity of real property or housing units owned, used, or occupied by persons of any particular race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin, by direct or indirect methods,
25. To DISCRIMINATE BY INDUCING OR INFLUENCING OR ATTEMPTING TO INDUCE OR INFLUENCE, BY ANY MEANS, DIRECT OR INDIRECT, ~~promote, induce, influence or attempt to promote, induce, or influence by the use of postal cards, letters, circulars, telephone, visitation, or any other means, directly or indirectly,~~A RESIDENT, OCCUPANT, OR TENANT OF a housing unit ~~resident, occupant, or tenant~~ to list for sale, sell, remove from lease, assign, transfer, or otherwise dispose of a housing unit by referring to the race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin of actual, possible, or anticipated neighbors, tenants, or ~~other~~ prospective buyers of real property 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,

36. To DISCRIMINATE BY MAKING OR CAUSING ~~cause~~ to be made any untrue or misleading statement ~~or in any other manner~~ TO OBTAIN OR ATTEMPT TO OBTAIN A LISTING OF HOUSING UNITS FOR SALE, LEASE, SUBLEASE, ASSIGNMENT, OR OTHER TRANSFER BASED ON RACE, COLOR, RELIGION, DISABILITY, FAMILIAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL STATUS, SEX, SOURCE OF INCOME, IMMIGRATION STATUS, CITIZENSHIP STATE, OR NATIONAL ORIGIN. ~~;~~ as part of a process or pattern of inciting neighborhood unrest, community tension, or fear of racial, religious, nationality, or ethnic change in any street, block, neighborhood, or any other areas, attempt to obtain a listing of housing units for sale, rental, assignment, transfer, or other disposition, where the statement, advertising, or other holding out is false or misleading or where there is insufficient basis to judge its truth or falsity to warrant making the statement, or to make any other misrepresentations in order to obtain the listing, sale, removal from lease, assignment, transfer, or other disposition of housing units,
47. To make, as part of a process or pattern discouraging the purchase, rental, occupancy, or other use of housing units in a particular block, neighborhood, or area, DISCRIMINATE BY MAKING any representation to ~~any~~A prospective purchaser, lessee, or other transferee that the block, neighborhood, or area may undergo, is undergoing, or has undergone a change with respect to race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, source of income, IMMIGRATION STATUS, CITIZENSHIP STATUS, or national origin ~~religion, racial, color, nationality, or ethnic composition of the block, neighborhood or area,~~
58. To DISCRIMINATE BY PLACING ~~place~~ a sign, NOTICE, or OTHER display ~~any other device either purporting to~~ THAT ~~offer~~OFFERS OR PURPORTS TO OFFER for sale, leasing LEASE, SUBLEASE, assignment, OR OTHER transfer; ~~or other disposition or tending to lead to the belief that an offer is being made to sell, lease, assign, transfer, or otherwise dispose of any~~A housing unit that in fact is not available or offered for sale, lease, SUBLEASE, assignment, OR OTHER transfer ~~or other disposition, or,~~
9. TO DISCRIMINATE BY ~~maintain~~ MAINTAINING a SIGN, NOTICE, OR OTHER display ~~or any sign or other device~~ for more than thirty days after ~~the~~A sale, leasing LEASE, SUBLEASE, assignment, OR OTHER transfer HAS OCCURRED, ~~or other disposition of a housing unit, OR~~
610. To DISCRIMINATE BY INDUCING OR ATTEMPTING ~~induce or attempt~~ to induce the sale or listing for sale of a housing unit by representing that the presence or anticipated presence of persons of any particular RACE, COLOR, RELIGION, DISABILITY, FAMILIAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL STATUS, SEX, SOURCE OF INCOME, IMMIGRATION STATUS, CITIZENSHIP STATUS, OR NATIONAL ORIGIN ~~race, color, religion, ancestry or national origin~~ in the area MAY OR will ~~or may~~ result in:
 - a. The lowering of property values,
 - b. A change in the ~~racial, color, religious, nationality or ethnic~~ composition of the block, neighborhood, or area in which the property is located,
 - c. An increase in criminal or antisocial behavior in the area, OR
 - d. A decline in THE quality of the schools serving the area.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage.

Explanation:

UPPERCASE indicates matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.