Legislation Details (With Text)

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Type:	Ordinance			**Status:**	Adopted
File created:	11/16/2018			**In control:**	City Council
On agenda:	1/28/2019			**Final action:**	1/28/2019

Title: Fair Housing - Unlawful housing practices - For the purpose of including a Section 8 Housing Choice Voucher holder as one of the protected categories under the City of Annapolis Fair Housing laws; and providing a definition of 'source of income'".

Sponsors: Shaneka Henson, Gavin Buckley, Rob Savidge, Marc Rodriguez, Rhonda Pindell Charles, Elly Tierney, Sheila Finlayson, Fred Paone

Indexes: Housing and Human Welfare Committee, Public Safety Committee

Code sections:

Attachments: 1. O-45-18 Unlawful housing practices.pdf, 2. O-45-18 SR and FIN.pdf, 3. O-45-18 Henson Proposed Amendments.pdf, 4. O-45-18 - Signature Copy

Date	Ver.	Action By	Action	Result
1/28/2019	1	City Council	adopt on second reader	Pass
1/28/2019	1	City Council	amended	Pass
1/28/2019	1	City Council	amended	Pass
1/28/2019	1	City Council	amended	Pass
1/28/2019	1	City Council	amended	Pass
1/28/2019	1	City Council	amended	Pass
1/28/2019	1	City Council		
1/28/2019	1	City Council	adopt as amended	Pass
1/28/2019	1	City Council	adopt on third reader	Pass
1/28/2019	1	City Council	amended	Pass
1/15/2019	1	Housing and Human Welfare Committee	recommend with amendments	Pass
1/15/2019	1	Housing and Human Welfare Committee	amendment(s) approved	Pass
1/7/2019	1	Public Safety Committee	recommend favorably	Pass
12/10/2018	1	City Council	declare the public hearing closed	
11/26/2018	1	City Council	refer to Annapolis Education Commission	
11/26/2018	1	City Council	refer to Annapolis Education Commission	
11/26/2018	1	City Council		
11/26/2018	1	City Council	adopt on first reader	Pass

Fair Housing - Unlawful housing practices - For the purpose of including a Section 8 Housing Choice Voucher holder as one of the protected categories under the City of Annapolis Fair Housing laws; and providing a definition of 'source of income'".

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CITY COUNCIL OF THE
City of Annapolis

Ordinance 45-18

Introduced by: Alderwoman Henson, Mayor Buckley, Alderman Savidge, Alderman Rodriguez, Alderwoman Pindell Charles, Alderwoman Tierney, Alderwoman Finlayson and Alderman Paone

Referred to
Public Safety Committee

AN ORDINANCE concerning

Fair Housing - Unlawful housing practices

FOR the purpose of including a Section 8 Housing Choice Voucher holder as one of the protected categories under the City of Annapolis Fair Housing laws; and providing a definition of 'source of income'".

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2018 Edition
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 11.32.020 - Definitions.

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

A. "Discrimination" means any difference in treatment solely because of race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, ~~lawful~~ source of income or national origin in the sale, lease, rental or financing of a housing unit.

B. "Housing unit" means a single room or suite of rooms, or an apartment, or a residential building lot or dwelling house, occupied or intended for occupancy as separate living quarters by an individual, a family, or a group of individuals living together 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 housing including:

1. Income received through any lawful profession or occupation;
2. ~~The condition of being a recipient of~~ federal, state, or local government assistance including, but not limited to, Section 8 housing choice vouchers, medical assistance subsidies, rental

assistance, or rent supplements;

3. Any gift, inheritance, pension, annuity, alimony, child support, trust or investment accounts. A gift may only be considered income where it is verified by a letter or 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 sale or pledge of property where the sale or pledge of property will result in proceeds inuring to the recipient's benefit within 60 days of the application to rent or purchase a property, or interest in property.

Section 11.32.030 - Unlawful housing practices.

It is an unlawful housing practice:

A. For any person:

1. To refuse to sell, lease, sublease, rent, assign or otherwise transfer,
2. 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,
3. To represent 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 any housing unit from any person because of the person's race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, ~~lawful~~ source of income, ~~or~~ national origin~~, or because the person is the holder of a Housing Choice Voucher under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437(f), or its successors~~,
5. To include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing unit any clause, condition or restriction discriminating against any person in the use or occupancy of such housing unit because of race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, ~~lawful~~ source of income, ~~or~~ national origin~~, or because the person is the holder of a Housing Choice Voucher under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437(f), or its successors~~,
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 housing unit because of race, color, religion, disability, familial status, sexual orientation, gender identity, marital status, sex, ~~lawful~~ source of income, ~~or~~ national origin~~, or because the person is the holder of a Housing Choice Voucher under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437(f), or its successors;~~ .

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 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, lawful income, or national origin;

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

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1. To publish or circulate or to cause to be published or circulated, any notice, statement or advertisement,
2. To announce a policy,
3. To use any form of application for the purchase, lease, rental or financing of any housing unit,
4. To make any record or inquiry;

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:

1. To induce or attempt 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, lawful income, or national origin, by direct or indirect methods,
2. To 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 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, lawful income, 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,
3. To cause to be made any untrue or misleading statement or in any other manner, 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,
4. 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, any representation to any prospective purchaser, lessee or other transferee that the block, neighborhood or area may undergo, is undergoing or has undergone a change with respect to religion, racial, color, nationality or ethnic composition of the block, neighborhood or area,
5. To place a sign or display any other device either purporting to offer for sale, leasing, assignment, 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 housing unit that in fact is not available or offered for sale, lease, assignment, transfer or other disposition, or maintain a display or any sign or other device for more than thirty days after the sale, leasing, assignment, transfer or other disposition of a housing unit,
6. To 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, ancestry or national origin in the area 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.
d. A decline in 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

Underlining indicates matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Double Underlining indicates amendments.

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