



A GUIDE TO FAIR HOUSING FOR MARYLAND LANDLORDS



INTRODUCTION

ABOUT US

Founded in 2000, Economic Action Maryland Fund is a leading force for economic justice. We are a multi-racial, people-centered movement to expand economic rights, housing justice, and community reinvestment for working families, low-income communities, and communities of color.

Working at the local, state, and federal level, we unite individual advocates, poverty, civil rights, labor, and other public interest groups to press for policies that protect vulnerable Marylanders. We have led successful statewide advocacy campaigns to pass the strongest medical debt protections in the country, first-in-the-nation legislation to regulate for-profit colleges, innovative reforms to make auto insurance more affordable, and more. Our ground-breaking research on debt settlement, debt collection policies and practices, and an analysis of for-profit colleges operating in Maryland use data and stories to drive home the need for systemic reform. Over the last 20+ years, We have assisted thousands of Marylanders through our Securing Older Adult Resources (SOAR) program, Fair Housing, and Tenant Advocacy programs. We've kept our clients housed by preventing tax sales, saved our clients thousands of dollars in earned benefits, and empow-

ered homeowners and renters faced with discrimination.

ABOUT THIS GUIDE

Welcome to the Landlord Guide to Fair Housing. This resource is designed to provide you with essential information and best practices for managing rental properties effectively. Whether you're new to being a landlord or looking to refresh your knowledge, this guide aims to support you in creating positive, lawful, and successful rental experiences.

Fair housing principles are designed to ensure that everyone has an equal opportunity to find and maintain housing without facing discrimination. These principles include treating all applicants and tenants with respect and fairness, regardless of race, color, national origin, religion, sex, familial status, or disability. Following fair housing laws helps prevent discriminatory practices and promotes a diverse, inclusive rental community. Adhering to these standards not only keeps you compliant with legal requirements but also helps you build a positive reputation as a responsible and equitable landlord.

One of the key principles highlighted in this guide is the importance of fair housing. Ensuring fair treatment of all applicants and tenants is not

only a legal requirement but also important to providing a respectful and inclusive rental community. Adhering to fair housing laws helps prevent discrimination and promotes equal opportunity for everyone seeking housing. By following these guidelines, you can build a reputation as a responsible and equitable landlord.

The information in this guide should not be considered legal advice, and you may wish to consult with an attorney about your specific problem and circumstances. We made every effort to ensure the accuracy of the information but take no responsibility for any errors. Blue underlined text is linked to additional resources you may find useful.

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UNDERSTANDING

FAIR HOUSING

LAW:

FEDERAL

FAIR HOUSING ACT

(Title VIII of the Civil Rights Act of 1968)

The Fair Housing Act of 1968 is a landmark federal law that prohibits discrimination in housing practices. For landlords, it means they must treat all prospective and current tenants equally, regardless of certain personal characteristics. Specifically, landlords cannot discriminate based on:

- Race or color
- Religion
- National origin
- Sex
- Familial status (families with children under 18)
- Disability
- (In some cases, additional protections may apply depending on state or local laws)

KEY POINTS:

- **Equal Opportunity:** You must offer housing opportunities without bias or prejudice.
- **Advertising:** Advertisements cannot indicate preferences or limitations based on protected classes.
- **Application Process:** Equal screening practices must be applied to all applicants
- **Reasonable Accommodations:** You are required to provide reasonable accommodations and/ or reasonable modifications for tenants with disabilities.
- **No Harassment or Retaliation:** Discriminating against or retaliating against tenants for exercising their rights is prohibited.

Violating the Fair Housing Act can lead to legal penalties, including fines, lawsuits, and loss of license. To comply, landlords should familiarize themselves with the law, avoid discriminatory practices, and [consider fair housing training](#).



FEDERAL FAIR HOUSING AMENDMENTS ACT (FHAA) OF 1988

The Fair Housing Amendments Act of 1988 is an update to the original Fair Housing Act of 1968. It strengthened protections against housing discrimination concerning individuals with disabilities and families with children.

KEY POINTS:

EXPANDS PROTECTED CLASSES

Protections for individuals with disabilities (including persons with Emotional Support Animals / ESAs and Service Animals) and families with children (familial status).

REASONABLE ACCOMMODATIONS AND MODIFICATIONS

Landlords must make reasonable accommodations for tenants with disabilities, such as allowing service animals and ESAs, or modifying units to be accessible.

Tenants may also request reasonable modifications to the unit, with some responsibilities for repair after move-out.

Some examples:

- Wheelchair ramps
- Wider doors
- Grip bars in bathrooms
- Railings
- Customized doorbells for the hearing impaired

ENHANCED ENFORCEMENT AND PENALTIES

- The Fair Housing Amendments Act of 1988 strengthens the enforcement and penalties associated with housing discrimination violations. This was done to ensure stricter compliance and provide stronger protections for individuals facing discrimination.
- The FHAA empowers the U.S. Department of Housing and Urban Development (HUD) to more actively investigate complaints of discrimination. HUD can initiate investigations, mediate disputes, and bring enforcement actions against violators.
- Victims of discrimination have the right to file lawsuits in federal court. This allows individuals to pursue legal action without the direct involvement of government agencies. HUD encourages or may require settlement negotiations to resolve disputes amicably.
- Courts can award compensatory damages to victims for emotional distress or financial losses caused by discrimination.

- Punitive damages may also be awarded to punish egregious conduct.
- Victims and successful plaintiffs can recover attorney's fees and court costs
- Courts can order landlords or housing providers to cease discriminatory practices and take corrective actions. (i.e., Fair Housing Compliance training)
- The law can impose civil penalties on housing providers found guilty of discrimination, which can include significant fines.

ADVERTISING RESTRICTIONS

Prohibits discriminatory language or symbolism in advertisements that could discourage protected classes from applying. Here are two actual ads that contain "No Spanish", "No Children", and "No Vouchers".

o search **Zillow**

Home value Cost calculator Home details Neighborhood

special

one bedroom semidetached unit, with great upgrades. This unit is a hidden gem located the heart Mills. Located 5 minutes from Foundry Row and Metro Center. Monthly rent is 1,035 plus utilities, posit is 1,035. This unit is ready for immediate occupancy, contact us today to set up an nt. Rental Home is located off a lovely secluded private road, with private parking. has private entrance and deck. New flooring in living room and bedroom. The kitchen has updated , including a LG glass electric range on oven/ stove and new refrigerator. Kitchen is also equipped ge disposal and dishwasher. This unit has plenty of storage space. There is a large utility room with yer and storage shelves off the kitchen. Two hall closets and a walk in closet off the bedroom. Next room is an additional vanity sink room. Other amenities: Central air and forced air heat brand new i2020. Butcher block breakfast bar, and large windows that let in a lot of natural light in kitchen oom. Large deck that wraps around half of the unit with plenty of space for dining. Nice size yard maintenance included. *One Year Lease required *Zillow application fee per occupant * All adults lease *Smoke free house ***Max occupy is 2 adults, no children** *1-2 Cats okay with non-refundable t of 250 *Background, Credit Check and paystub required for all occupants *Monthly rent is 1,035 s Security deposit 1,035 parking space included * **No Vouchers**

ancy 2 adults, no children

with pet deposit Tenant responsible for electric and cable/internet service **No vouchers**

< Back to search **Zillow**

Home value Cost calculator Home details Neighborhood

Mobile will come lightly furnished: couch in Living Room, wooden drawers for use as entertainment bureau, huge chair in Family Room and another entertainment unit. There might be a few flat screen TVs in rooms. Really nice electric fireplace with hearth in Family Room. Ceiling fan with lights in Living Room. Excellent air circulation so as to not be dependent on A/C. Nice outside walkway, fenced in for small dogs.

Owner might be leaving personal belongings as well- since this senior resident doesn't have a car to move out.

Needs repairs to refrigerator, dishwasher and washing machine. Carpeting needs to be replaced. Minor floor repairs as well as outside stairs. Kitchen cabinetry has damage that could be repaired. A/C blower needs electrical mainline replaced- then works fine. The mobile needs room lighting; with only a handful of overhead lighting built in.

New owner will have to be accepted by Mobile Home Park before taking ownership. Park is nice, clean, quiet and has pool w/ clubhouse (pool tables, meeting rooms, TV, kitchen, piano) street sweeping and twice/ week trash removal. Walking distance from La Brea Park, Lomita Park and plenty of street parking as well as guest parking in the park. Renter is responsible for utilities: trash, water & electricity. Rent is about \$1850 +/-.

DM with Phone # for text & email.

If ad is up- it's still available. More pictures are available (Google shared folder). Serious offers accepted.

*****PLEASE NOTE: if ad is up- this available. Automated questions will be considered spam. Sorry, No Spanish speakers**

EXCEPTIONS TO THE FEDERAL FAIR HOUSING ACT

There are four exceptions to the Fair Housing Act, and landlords should be aware that these exceptions are very narrow in scope.

The exemptions listed below do not allow discrimination against individuals because of their protected status. You will still need to apply the law fairly to each applicant.

1. A single-family house sold or rented by the owner.

This exemption only applies if:

- the owner does not own more than three such single family houses at one time and
- the sale or rental is not advertised in a discriminatory manner and
- the sale or rental is done without the services of a real estate agent, broker or sales person.
- the seller does not live in the house at the time of the rental or sale, or was not the most recent resident at the time of the rental or sale,

Only **one** sale of such a single-family house within any 24-month period is exempted.

2. Dwelling units or rooms in a building of 4 or fewer units

- This exemption only applies if the owner of the building occupies one of the units as their residence

3. Dwelling owned or operated by a religious organization, or by a nonprofit organization owned or controlled by a religious organization which limits or gives preference in the sale, rental or occupancy to persons of the same religion

- This exception applies provided membership in the religion is not restricted based on race, color or national origin.

4. Lodging owned or operated by a private club as an incident to its primary purpose and not operated for a commercial purpose.

- Club members may be given preference, or occupancy may be limited to members, provided club membership is open to all without regard to race, color, religion, etc.

Protected Classes

A group of people with a common characteristic who are legally protected from housing discrimination on the basis of that characteristic.

Protected classes are created by federal, state, and local law. In Maryland, all of the federal protected classes apply: **Color, Familial Status, National Origin, Disability, Race, Religion, and Sex**, along with the following state protected classes: **Marital Status, Sexual Orientation, Source of Income, and Gender Identity**.

In addition, the classes listed below are protected from discrimination in the following local jurisdictions:

Age

Anne Arundel County
Baltimore City
Cambridge
Hagerstown
Rockville
Baltimore County
Harford County
Howard County
Montgomery County
Prince George's County

Ancestry

Anne Arundel County
Baltimore City
Cambridge
Rockville
Montgomery County

Citizenship

Anne Arundel County
Annapolis
Prince George's County

Family Responsibility

Montgomery County

Occupation

Anne Arundel County
Harford County
Howard County
Prince George's County

Personal Appearance

Harford County
Howard County
Prince George's County

Political Opinion

Harford County
Howard County
Prince George's County

Presence of Children

Rockville
Montgomery County

If you are experiencing discrimination in housing, or a landlord-tenant issue, please visit our website:

econaction.org



**ECONOMIC
ACTION MD
FUND**

Sources: Maryland Commission on Civil Rights, US Department of Housing and Urban Development, Westlaw. Updated 1/13/2021

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UNDERSTANDING FAIR HOUSING LAW: MARYLAND

Maryland's fair housing laws prohibit landlords from discriminating against tenants or applicants based on protected characteristics such as race, color, religion, national origin, sex, age, familial status, disability, gender identity, sexual orientation, or source of income. These laws align with federal fair housing laws and sometimes provide additional protections.

Discrimination against state and local protected classes can result in legal actions, penalties, and orders to remedy discriminatory practices. Landlords are encouraged to familiarize themselves with both federal and state fair housing laws to ensure compliance and promote fair, equitable housing practices.

THE MARYLAND HOUSING OPPORTUNITIES MADE EQUAL (HOME) ACT

The HOME Act requires fair and transparent income calculations to ensure equitable access to housing assistance. When assessing income, the focus should be on the household's gross income (total income before taxes and deductions) for all household members over 18.

INCOME REQUIREMENTS AND CALCULATIONS UNDER THE HOME ACT

For voucher holders, income calculations should be based solely on the tenant's portion of the rent after the voucher has been applied. This approach ensures that rent remains affordable relative to the household's actual financial capacity.

Income Calculation Example 1

Total Rent: \$1,200 per month

Voucher Amount: \$800 per month

Tenant's Responsibility (Tenant's Share): $\$1,200 - \$800 = \$400$

Income requirement: $400 \times 3 = 1200.00/\text{month}$

Income Calculation Example 2

Total Rent: \$1825 per month

Voucher Amount: \$905 per month

Tenant's Responsibility (Tenant's Share): $\$1,825 - \$905 = \$920$

Income requirement: $\$920 \times 3 = \$2760.00/\text{month}$

WHY IS THE HOME ACT IMPORTANT?

- The government helps people who can't afford regular, market-rate rent.
- The household pays about 30% of their income for rent.
- The voucher covers the rest of the rent up to a certain amount.
- The housing authority pays the difference, making housing more affordable for the family.

THE HOME ACT APPLIES TO OTHER SOURCES OF INCOME.

The HOME Act also applies to tenants who pay their rent through 1099 income, an annuity or trust, retirement income such as a pension or Social Security, and Social Security Disability Income. Income requirements under the HOME Act are designed to be clear, fair, and centered on the tenant's financial responsibility supporting fair access to affordable housing for all.

ADVERTISING YOUR RENTAL PROPERTIES, AND THE APPLICATION PROCESS

ACCESSIBILITY

Landlords are encouraged to ensure rental units are accessible to persons with disabilities, and some properties may be subject to specific accessibility requirements.

Violations of Maryland fair housing laws can result in legal actions, penalties, and orders to remedy discriminatory practices. Landlords are encouraged to familiarize themselves with both federal and state fair housing laws to ensure compliance and promote fair, equitable housing practices.

Landlords should avoid language that suggests preferences or limitations based on protected classes, such as race, religion, gender, familial status, disability, or other protected categories.

For example, phrases like:

- "No children,"
- "No Section 8"
- "Young professionals only," or
- "Must be Christian"

This can be discriminatory and violate fair housing laws.

USE INCLUSIVE ADVERTISING PRACTICES

Use neutral, inclusive language that welcomes all qualified applicants. Focus on the property's features rather than applicant characteristics.

For example:

- "Spacious one-bedroom apartment available"
- "Curbless shower and wheelchair accessible sink in primary bathroom"
- "Close to schools, shops, and restaurants"

Advertising in diverse media and ensuring accessibility for persons with disabilities also promotes inclusivity.

DEVELOP A FAIR AND CONSISTENT APPLICATION PROCESS

Screening Criteria

Develop transparent, fair, and non-discriminatory screening standards such as creditworthiness, rental history, income verification, and background checks.

Apply these criteria consistently to all applicants, regardless of protected class status, to avoid bias or unfair treatment.

Record-Keeping

Maintain detailed records of application materials, screening decisions, and communications with applicants.

Proper documentation helps demonstrate that decisions were based on legitimate, non-discriminatory reasons and can be useful if complaints or legal questions arise.

REASONABLE MODIFICATIONS AND REASONABLE ACCOMMODA- TIONS

REASONABLE ACCOMMODATIONS

Adjustments or exceptions to policies or rules that enable a person with a disability to have equal access to housing.

Responsibility for Reasonable Accommodations

Typically, the landlord is not responsible for costs associated with reasonable accommodations.

Accommodations are adjustments or exceptions to existing policies or rules (such as allowing service animals or waiving pet restrictions). These usually do not involve physical changes to the property. The purpose is to ensure equal access without altering the physical structure; therefore, the landlord is generally expected to provide the accommodation at no cost to the tenant.

Exceptions: If the accommodation involves significant expenses for the landlord, they can request documentation to determine if the request would impose an undue hardship.

REASONABLE MODIFICATIONS

Physical alterations to the property that allow a person with a disability to use and enjoy the dwelling, such as installing ramps or grab bars.

Responsibility for Reasonable Modifications

The tenant is typically responsible for the costs of physical alterations to the property.

Modifications involve physical changes such as installing ramps, grab bars, or widening doorways that improve accessibility. These changes are considered the tenant's responsibility because they are personal alterations to the dwelling. However, landlords may be required to allow the modifications and, in some cases, the alterations may need to be restored to the property's original condition when the tenant moves out, unless otherwise agreed.

Landlords should specify in lease agreements whether tenants are responsible for restoring the property after modifications or if they can take the modifications with them upon move-out.

BEST PRACTICES FOR REQUESTS

Develop clear processes for tenants to request accommodations or modifications. This includes informing tenants of their right to request such changes, providing a straightforward method to submit requests, and responding promptly and considerately. Always evaluate requests on a case-by-case basis and provide necessary accommodations unless doing so would impose an undue financial hardship or administrative burden.

EMOTIONAL SUPPORT ANIMALS (ESA) AND SERVICE ANIMALS

An Emotional Support Animal (ESA) is an animal that provides comfort and emotional support to individuals with mental health conditions or emotional disabilities. Unlike service animals, ESAs are not trained to perform specific tasks but are recognized for their therapeutic benefits.

A Service Animal is trained to perform a specific task related to someone's disability.

Under the Fair Housing Act, housing providers are required to make reasonable accommodations for ESAs and Service Animals, even if there is a "no pets" policy. To request this accommodation, tenants may submit a written request along with a letter from a licensed mental health professional confirming the need for the ESA or Service Animal. This documentation is typically straightforward and does not require special certification or training for the animal.

Housing providers are permitted to ask for verification of the tenant's health condition and the necessity of the Service Animal or ESA. However, they cannot require extensive documentation, training, or certification. They also cannot deny Service Animals or ESAs based on breed or size, as long as the animal is well-behaved and does not pose a threat.

While housing providers cannot charge extra pet fees or deposits for Service Animals or ESAs, tenants can be held responsible for any damages caused by the animal. The Service Animal or ESA should not cause disruptions or dangers, and the tenant is responsible for ensuring the animal's behavior does not interfere with the safety or comfort of others.

In summary, Service Animals and ESAs are protected under fair housing laws, and housing providers must accommodate them unless doing so would impose an undue burden or fundamentally change the nature of the housing. Respectful communication and adherence to legal requirements help ensure fair and inclusive housing for all.



MAINTAINING AN INCLUSIVE ENVIRONMENT

Creating and sustaining a fair, inclusive housing environment requires proactive efforts from landlords and property management.

STAFF TRAINING

Regular training ensures that all staff members understand fair housing laws, recognize discriminatory behaviors, and promote respectful, equitable treatment of all tenants and applicants.

UNDERSTANDING LEGAL REQUIREMENTS

Staff should be educated on federal, state, and local fair housing laws, including protected classes and prohibited practices.

RECOGNIZING DISCRIMINATION

Training helps staff identify both blatant and subtle forms of discrimination, including bias, stereotyping, or unintentional actions.

EFFECTIVE COMMUNICATION

Emphasize the use of inclusive language and respectful interactions to foster a welcoming environment.

POLICY FAMILIARITY

Staff should be aware of the property's fair housing policies, procedures for screening applicants, and how to handle inquiries appropriately.

ONGOING EDUCATION

Regular refresher courses and updates help staff stay current on legal changes and best practices.

DOCUMENTATION

Keep records of training sessions and staff participation to demonstrate compliance.



HANDLING THE COMPLAINT PROCESS

An effective complaint process makes it easy and safe for tenants, applicants, or staff to report any concerns about discrimination. It helps ensure that these issues are taken seriously, handled quickly, and resolved in a fair way.

ACCESSIBLE REPORTING MECHANISMS

Provide multiple, easy ways for individuals to submit complaints, such as in-person, phone, email, or online forms.

CLEAR PROCEDURES

Clearly outline steps for investigating complaints, including who will handle inquiries, how investigations are conducted, and confidentiality measures.

PROMPT RESPONSE

Address complaints quickly to demonstrate a commitment to fairness and prevent escalation.

IMPARTIAL INVESTIGATION

Ensure investigations are thorough, unbiased, and based on facts. Maintain impartiality and protect the privacy of those involved.

FAIR RESOLUTION

Take appropriate corrective actions if discrimination is confirmed, which could include training, policy changes, or disciplinary measures. Communicate the outcome to the complainant and document the process thoroughly.

FOLLOW-UP

Monitor the situation afterward to prevent recurrence and reinforce a discrimination-free environment. Use insights gained to improve staff training and policies.



RESOURCES

As a landlord, your role extends beyond mere compliance; it encompasses a commitment to uphold the principles of fairness, equality, and nondiscrimination. By actively preventing discriminatory practices, welcoming diversity, and treating all applicants and tenants with dignity and respect, you contribute to building a community grounded in fairness and inclusion. Such dedication enhances your reputation, minimizes legal risks, and supports the broader goal of equitable housing for everyone.

MARYLAND FAIR HOUSING ASSISTANCE

Economic Action Maryland Fund - Housing Services Program
Fair Housing Hotline: (410) 709-8429

Website: econaction.org

Description: Promotes economic growth, community development, and affordable housing in Maryland. Provides education, advocacy, and outreach support to promote fair housing, and trainings for landlords, property management companies, and communities.

Maryland Attorney General's Office – Consumer Protection Division

Address: 200 St. Paul Place, Baltimore, MD 21202

Phone: (410) 528-8662 | Toll-Free: (888) 743-0023

Website: marylandattorneygeneral.gov

Description: Investigates housing discrimination complaints and enforces fair housing laws.

Maryland Commission on Civil Rights (MCCR)

Address: 6 St. Paul Street, Baltimore, MD 21202

Phone: (410) 767-8600 | Toll-Free: (800) 319-4433

Website: mccr.maryland.gov

Description: Enforces fair housing laws, investigates discrimination complaints, and provides education and outreach.

U.S. Department of Housing and Urban Development (HUD)

Baltimore Office

Address: 100 South Charles Street 5th Floor Baltimore, MD 21201

Phone: (410) 962-2800

TDD: (410) 962-2569

Website: hud.gov/baltimore

Description: Enforces federal fair housing laws and offers resources, training, and guidance.

