

FAIR HOUSING ACT

When Does a REALTOR® Use the Equal Housing Opportunity Logo?



The Fair Housing Act itself does not require the use of the Equal Housing Opportunity logo or slogan, "Equal Housing Opportunity," in any ad. However, using the logo regularly is good evidence of the company's commitment to fair housing compliance. The Equal Housing Opportunity logo is a picture of a small house with the words "Equal Housing Opportunity" directly beneath it. The small house picture cannot be used without the words "Equal Housing Opportunity" beneath it, but the words can be used without the small house pictured.

According to HUD guidelines, all advertising of residential real estate for sale or rent should contain an equal housing opportunity logotype, statement, or slogan as a means of educating the home-seeking public that the property is available to all persons, regardless of race, color, religion, sex, handicap, familial status, or national origin. The choice of logotype, statement, or slogan will depend on the type of media used and the size of the advertisement.



GET THE EQUAL HOUSING OPPORTUNITY LOGO:

Go to

www.hud.gov

Search... Equal Housing Logo



ADD THE EQUAL HOUSING OPPORTUNITY STATEMENT TO YOUR BUSINESS PLAN:

We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status, or national origin.

Guidelines for Using the Equal Housing Opportunity Logo

(in all ads of four column inches or larger) are available at: www.hud.gov/fairhousing



DISPLAY THE HUD FAIR HOUSING POSTER

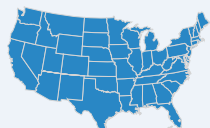
Get the HUD Fair Housing Poster by visiting
www.hud.gov/fairhousing search: poster

Fair Housing Regulations Require the Display of the HUD Fair Housing Poster at the Brokerage Office and at Dwellings Under Construction.



PROTECTED CLASSES AND THEIR DEFINITIONS*

FEDERAL



- **COLOR:** Pertaining to a person's skin color
- **FAMILIAL STATUS:** Families in which one or more children under 18 lives with: a parent; a person who has legal custody of the child or children; or the designee of the parent or legal custodian, with the parent or custodian's written permission. Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18.
- **NATIONAL ORIGIN:** Refers to the geographic area in which a person was born, or from where their ancestors came.
- **PHYSICAL OR MENTAL DISABILITY:** In reference to you or someone close to you who: has a physical or mental disability (such as hearing, mobility, and visual impairments, including use of a guide dog; drug addiction and alcoholism, mental illness, intellectual or developmental disability, HIV or AIDS, or cancer) that substantially limits one or more major life activities; has a record of such a disability; or is regarded as having such a disability.
- **RACE:** Categories of physical characteristics and/or genetic groupings of human populations.
- **RELIGION:** Participation with one of the world's structured religions; one's spiritual beliefs; inference of religion by place of worship.
- **SEX** (i.e., gender): Sexual orientation or gender identity per Presidential Feb 11, 2021 Exec. Order - see respective definitions.

MARYLAND

Includes All Federal Protections Listed Above Plus:



- **MARITAL STATUS:** The state of being single, married, separated, divorced, or widowed.
- **RACE:** The State of Maryland has expanded the definition of "race" to include traits associated with race including hair texture, afro hairstyles, and protective hairstyles (including braids, twists, and other hairstyles).
- **SEXUAL ORIENTATION:** A component of identity that includes a person's sexual and emotional attraction to another person and the behavior and/or social affiliation that may result from this attraction.
- **GENDER IDENTITY:** the gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth, which may be demonstrated by:
 1. Consistent and uniform assertion of the person's gender identity.
 2. Any other evidence that the gender identity is sincerely held as part of the person's core identity.
- **SOURCE OF INCOME:** Any lawful source of money that is paid to or for the benefit of a renter or buyer of housing and includes grants, government assistance, alimony, child support, pensions, annuities, legal gifts, or investment earnings.

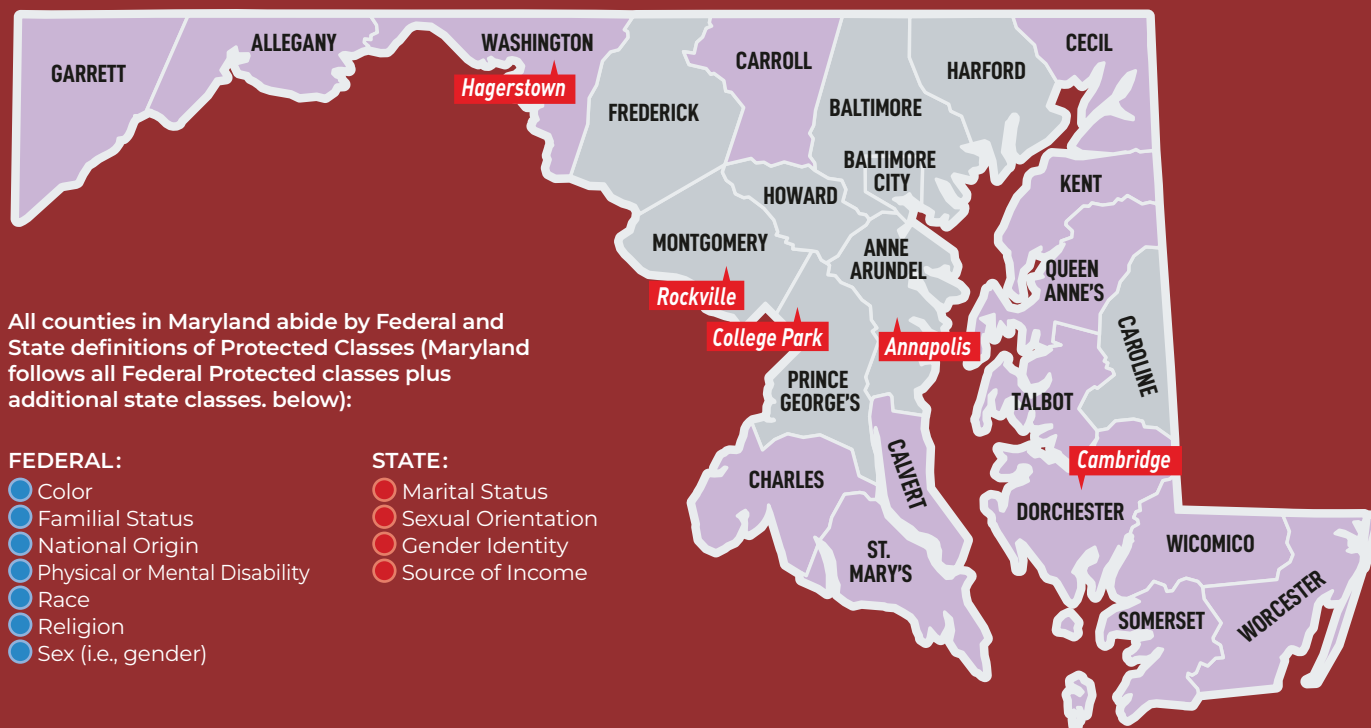
LOCAL/COUNTIES

Includes all Federal and State protections listed and may include the following:



- **AGE:** Generally referring to adults 18 yrs & over.
- **ANCESTRY:** Line of descent.
- **CITIZENSHIP:** a person's actual or perceived immigration status
- **CREED:** A person's beliefs; also, a summary of principles or opinions to which someone professes or adheres.
- **ETHNIC ORIGIN:** Cultural upbringing, including ceremonies and traditions.
- **FAMILY RESPONSIBILITY:** Refers to decisions based on an assumption of a person's care giving responsibilities, either childcare or care of another family member.
- **GENETICS:** Traits that are determined by genes or genetic mutations.
- **OCCUPATION:** The principal lawful activity of one's life, generally including students, welfare recipients and retired persons.
- **PERSONAL APPEARANCE:** The outward appearance of any person, irrespective of sex, with regard to hair style, facial hair, physical characteristics or manner of dress.
- **POLITICAL OPINION:** The opinion of persons relating to government, the conduct of government, political parties, candidates for election or elected office-holders.
- **PRESENCE OF CHILDREN:** Households that include the temporary custody or permanent occupancy of persons under the age of 18 years.
- **VETERAN/MILITARY:** A person who is a member of the U.S. Armed Forces, Reserves, or Maryland National Guard

MARYLAND REALTORS® PROMOTES FAIR HOUSING



PROTECTED CLASSES

Maryland counties and Baltimore City follow all Federal Protected classes plus additional state classes; the counties that follow these standards only are highlighted in purple. Several counties and cities have additional Protected Classes, as described below.

While Maryland REALTORS® makes every effort to keep this information up-to-date, counties and municipalities may change information at any time. Please check with your local jurisdiction to learn of any updates to fair housing in your area.

ALLEGANY

ANNE ARUNDEL

- Age
- Ancestry
- Citizenship/Immigration
- Creed
- Occupation

Annapolis

- Citizenship/Immigration

BALTIMORE COUNTY

- Age
- Creed
- Veteran/Military

BALTIMORE CITY

- Age
- Ancestry

CALVERT

CAROLINE

- Age

CARROLL

CECIL

CHARLES

DORCHESTER

Cambridge

- Age
- Ancestry
- Creed

FREDERICK COUNTY

- Age

GARRETT

HARFORD

- Age
- Creed
- Occupation
- Personal Appearance
- Political Opinion

HOWARD

- Age
- Citizenship/Immigration
- Creed
- Occupation
- Personal Appearance
- Political Opinion

KENT

MONTGOMERY

- Age
- Ancestry
- Creed
- Family Responsibility
- Presence of Children

Rockville

- Age
- Ancestry
- Ethnic Origin
- Genetics
- Presence of Children
- Veteran/Military

PRINCE GEORGE'S

- Age
- Citizenship/Immigration
- Occupation
- Personal Appearance
- Political Opinion

College Park

- Genetics

QUEEN ANNE'S

ST. MARY'S

SOMERSET

TALBOT

WASHINGTON

Hagerstown

- Age

WICOMICO

WORCESTER

UNDER THE FAIR HOUSING ACT, IT IS ILLEGAL TO:



Refuse to rent to you or sell you housing because of your race, national origin, or any of the other Federal protected classes



Tell you housing is unavailable when in fact it is available



Show you apartments or homes only in certain neighborhoods



Set different terms, conditions, or privileges for sale or rental of a dwelling



Provide different housing services or facilities



Advertise housing to preferred groups of people only



Fail to design and construct housing in an accessible manner



Deny you property insurance in a discriminatory manner



Conduct property appraisals in a discriminatory manner



Refuse to make reasonable accommodations for persons with a disability if the accommodation may be necessary to afford such person a reasonable and equal opportunity to use and enjoy a dwelling



Refuse to provide you with information regarding mortgage loans, deny you a mortgage loan, or impose different terms or conditions on a mortgage loan



Harass, coerce, intimidate, or interfere with anyone exercising or assisting someone else with their fair housing rights

If You Believe Your Rights Have Been Violated...

Call the Maryland Commission on Civil Rights at (410) 767-8600 or visit www.mccr.maryland.gov/Pages/Intake.aspx to initiate an inquiry.

Other resources include:

www.nationalfairhousing.org
www.fairhousingmd.org
www.mccr.maryland.gov

How Do You
Recognize
Housing
Discrimination?

SOURCE OF INCOME

DISCRIMINATION LAWS IN MARYLAND

1. The laws addressing source of income discrimination in Maryland are as follows:

- 1** "Source of income" means any lawful source of money paid directly or indirectly to or on behalf of a renter or buyer of housing.
- 2** "Source of income" includes income from:
 - (i) a lawful profession, occupation, or job;
 - (ii) any government or private assistance, grant, loan, or rental assistance program, including low-income housing assistance certificates and vouchers issued under the United States Housing Act of 1937;
 - (iii) a gift, an inheritance, a pension, an annuity, alimony, child support, or any other consideration or benefit; or
 - (iv) the sale or pledge of property or an interest in property.

(d) The prohibitions in this subtitle against discrimination based on source of income do not:

- 1** prohibit a person from determining the ability of a potential buyer or renter to pay a purchase price or pay rent by verifying in a commercially reasonable and nondiscriminatory manner the source and amount of income or creditworthiness of the potential buyer or renter;
- 2** prevent a person from refusing to consider income derived from any criminal activity; or
- 3** prohibit a person from determining, in accordance with applicable federal and State laws, the ability of a potential buyer to repay a mortgage loan.

Md. Code Ann., State Gov't § 20-704 (West)

Except as provided in §§ 20-703 and 20-704 of this subtitle, a person may not:

- 1** refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of ... source of income;
- 2** discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of ... source of income;
- 3** make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on ... source of income, or an intention to make any preference, limitation, or discrimination;
- 4** represent to any person, because of ... source of income, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; or
- 5** for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular ... source of income.

Md. Code Ann., State Gov't § 20-705 (West)

August 2022

2. Examples of possible source of income discrimination in real estate sales and real estate rentals:

SALE: Michelle is a veteran of the United States Navy and is seeking to purchase a home in Maryland using Veterans Administration ("VA") funding. She finds a home she likes and contacts the listing agent. The agent tells her that he and his clients are not interested in buyers using VA loans because of the stringent property condition and/or appraisal requirements and suggests she seeks traditional financing.

This is discrimination based on source of income.

RENTAL: Gwen receives child support from the father of her children, and with this support she is qualified to rent an available apartment. The real estate licensee representing the landlord tells her that he does not take into account child support because fathers sometimes stop paying.

This is discrimination based on source of income. The landlord may initiate an eviction action against a tenant who fails to pay the rent but may not refuse to rent on speculation of future inability to pay based on the possibility that child support won't be paid.

SALE: Zain is a listing agent with 123 Brokerage. For each offer on one of his listings he requires the completion of his own buyer financing information form, including a request for employer information. He makes clear that the information on the form may be used as a basis for the seller's decision.

This is an example of the nuances of fair housing issues. The determination would of course come down to the specific facts. The Maryland Real Estate Commission recommends its licensees be very careful when requesting such information as it can lead to claims of discrimination by the listing broker and/or homeowner. When receiving such requests from other licensees, form completion by buyers or tenants may provide information which could serve as a basis for discriminatory actions.

SALE: Mathias is advertising a home for sale in Riverdale. In the listing comments, he states that the seller is only accepting offers for cash or conventional.

This is discrimination based on source of income.

RENTAL: Amari has received a rental application from Harrison, who is self-employed and interested in renting the suburban home she listed on behalf of a client in Montgomery County. Amari received the online portion of the application 4 days ago but has yet to receive the requested 2 years of tax returns documenting Harrison's income for the client's review. After waiting two more days, Amari's client rejects the rental application.

This is not discrimination based on source of income.

SALE: Calista is at an offer presentation appointment with a seller. She has received offers from a wide variety of buyers with different types of financing. During the appointment, she works with the seller to eliminate offers on the basis of financial terms and conditions, including the offer amount, loan amount, loan program or type of loan. At the end of the evaluation, her client selects a conventional financing offer with 10% down which was \$5,000 less than the highest offer received from a buyer using 100% financing.

This is not discrimination based on source of income. sellers (with advice of agents) are not prohibited from considering the terms of an offer, but rather the source of the monies that will be used to purchase.

RENTAL: Aranya goes on a rental Listing appointment in Prince George's County. The property owner, Tamar, is adamant that he will not rent to any tenants using rental assistance of any sort. Aranya explains that Maryland real estate Licensees and landlords must accept applications and seriously consider applicants using rental assistance programs to cover the cost of their rent. Tamar reluctantly agrees that he will accept applications from rental assistance applicants but only after these applicants have an interview.

This is potentially source of income discrimination. Requiring interviews, current residence inspections, or other additional screening requirements only for those with rental assistance is potentially discrimination in terms or conditions.

SALE: Hayma has received a rental application from Everett, a tenant planning to use a rental assistance program to cover the cost of his rent. Upon a review of Everett's application and credit report, Hayma and her client note that he has an unpaid utility collection and one prior eviction. Based upon this application information, his application is denied. Is this discrimination?

This is not source of income discrimination.

3. Licensees and consumers should direct their concerns and complaints for source of income discrimination to:

MARYLAND COMMISSION ON CIVIL RIGHTS:

<https://mccr.maryland.gov/Pages/Intake.aspx>

MARYLAND REAL ESTATE COMMISSION:

www.dllr.state.md.us/cgi-bin/ElectronicLicensing/CIPS/complaintform1.cgi?board=11&lib=DLLR



Division of Occupational and Professional Licensing
Maryland Real Estate Commission