



Fair Housing Laws

Montgomery County

Chapter 27 of the Montgomery County Code makes it illegal to discriminate in the sale or rental of housing on the bases of race, sex, marital status, physical or mental disability, color, religion, national origin, ancestry, presence of children, source of income, sexual orientation, age and family responsibilities.

The Office of Human Rights investigates and conciliates complaints filed under Chapter 27.

The Federal Government

The Fair Housing Amendments Act makes it illegal to discriminate in the sale or rental of housing on the basis of race, color, religion, national origin, sex, disability, or familial status.

The Department of Housing and Urban Development (HUD) investigates and conciliates housing complaints filed under the FHAA. Persons who consider themselves to be victims of housing discrimination can file suit in Federal Court.

Other federal laws regulating mortgage lending include:

- Equal Credit Opportunity Act
- Truth in Lending Act
- Home Ownership and Equity Protection Act of 1994
- Real Estate Settlement Procedures Act (RESPA)

The State of Maryland

Article 49B of the Maryland Annotated Code makes it illegal to discriminate on the bases of race, color, religion, marital status, physical or mental disability, national origin, sex, or familial status.

The Maryland Commission on Human Relations investigates and conciliates complaints filed under Article 49B.

Real Estate Law (BOP, Section 16-526), forbids discriminatory practices by real estate brokers or agents, putting them at risk of losing their license. This law is enforced by the Real Estate Commission.

Equal access to all types of housing is not only a right, but it is the law and policy of this government.

Equal access to all types of housing and real estate has been guaranteed by Federal Law since 1866 and by Montgomery County law since 1968. Although these laws specifically prohibit discriminatory practices, home seekers continue to be plagued by irrelevant factors used to determine their suitability for the housing of their choice. Persistent and subtle forms of misinformation, unfair pricing, steering, and redlining are used to exclude persons from residing in communities and neighborhoods of their choosing. Not only are these practices illegal, they also can be expensive to the victim, community, and housing provider.

Chapter 27, Article I of the Montgomery County code prohibits discrimination in both residential and commercial real estate on the bases of race, color, religious creed, ancestry, national origin, sex, marital status, physical or mental disability, presence of children, sexual orientation, age, source of income and family responsibilities.



To File A Complaint

Contact:

Montgomery County
Office of Human Rights
(240) 777-8450

U.S. Department of Housing
and Urban Development
1-(800) 669-9777

Maryland Real Estate Commission
(410) 333-6230

Maryland Commission on
Human Relations
(410) 767-8600

MONTGOMERY
COUNTY



HUMAN RIGHTS

21 Maryland Avenue
Suite 330
Rockville, MD 20850

Main: (240) 777-8450

TTY: (240) 777-8480

FAX: (240) 777-8460



Montgomery County, Maryland
Office of Human Rights

YOUR GUIDE TO FAIR HOUSING

How to Recognize
and Prevent
Discriminatory
Practices



Prohibited Conduct

Fair Housing Laws in Montgomery County were designed to provide equal opportunity to all persons regardless of race, color, religious creed, ancestry, national origin, sex, sexual orientation, marital status, presence of children, age, physical or mental disability, source of income or family responsibilities to purchase, rent, sell, or lease any property in this County.

Real Estate Industry: As a real estate professional in Montgomery County, you are required under the law not to discriminate on the basis of any of the factors listed above. All agents involved in any commercial or residential real estate transaction are clearly prohibited from honoring any request from a housing provider, property owner, or home seeker who uses any of these factors as a basis to determine the availability or selection of real estate. Under the law you may not establish terms, costs, or conditions which vary based on the protected classes. It is also illegal to say that real estate is unavailable for inspection on these bases, when in fact it is available.

Finally, you may not advertise that housing is available for only certain racial or ethnic groups, and are required under regulations of the U.S. Department of Housing & Urban Development (HUD) to indicate that housing is available on an equal basis. You must display the equal housing poster in all real estate offices, and the equal housing logo must be displayed on all marketing materials.

Home Sellers & Renters: As a home seller or a landlord in Montgomery County, you have certain responsibilities under the law. You too can not discriminate illegally on any basis covered by law. It is illegal for you to order any real estate professional acting as your agent to convey that your house is unavailable on any of these bases. If you advertise you are renting your entire home, you are subject to the same requirements by law.

Home Seekers: As a home seeker in Montgomery County, you have every right to expect that housing, and equal housing terms and conditions will be available to you if you. You also have the right to equal professional treatment by members of the real estate industry.



Penalties & Liability

Violators of Fair Housing Laws are subject to a number of enforcement provisions under State, Federal and local laws. Montgomery County fair housing laws are administered by the Office of Human Rights (OHR). Violators of County law may be subject to payment of actual damages in discrimination cases, and may be required to pay damages for humiliation up to \$5,000 and an additional civil fine of up to \$50,000 plus attorneys' fees.

Under Federal law, enforcement of fair housing regulations is mandated through the U.S. Department of Housing & Urban Development (HUD) and by the Federal Court System. HUD, under Title VIII, has the authority to investigate and conciliate housing discrimination complaints. The Justice Department may prosecute discrimination cases in Federal Court. Punitive damages in these cases may total \$55,000.

Under the fair housing laws of the State of Maryland the Maryland Commission on Human Relations has the authority to investigate and conciliate housing discrimination cases. Violators of these laws are subject to fines and penalties up to \$50,000.

Complaint Process

Confidential complaints may be filed with the Montgomery County Office of Human Rights (OHR) by individuals who demonstrate they may have been discriminated against in their housing choice or in receiving real estate services. Complaints may also be filed by concerned individuals or organizations on behalf of victims of discrimination. Retaliation against a person for filing a discrimination complaint is against the law.

A personal interview may be held to determine the nature of the complaint and whether OHR has legal jurisdiction to investigate the complaint.

The OHR staff allows both parties to mediate a complaint. Frequently complaints can be settled as a result of this mediation process.

Complaints which are still unresolved receive full investigation by the OHR staff.

When investigation reveals that discrimination occurred, the OHR proposes a voluntary agreement to end discrimination and provide relief for the complainant.

In cases when voluntary agreement fails, a public hearing is required by law to resolve the complaint.

If discrimination is found following a public hearing, the OHR may order a plan to correct the discriminatory practice and order appropriate relief for the complainant. Relief could include housing, housing services and/or monetary compensation for expenses and/or humiliation.



Questions & Answers

Please note that not all cases can be illustrated by these examples, and that individual circumstances and/or policies may alter or influence a specific ruling. If you have other questions, call (240) 777-8450.

Q. Can a housing provider require a double security deposit of an unmarried couple?

A. No. If a landlord requires a double security deposit for an unmarried couple, then he/she must require the same of married couples.

Q. Can I rent a room to anyone I wish, under any conditions, as long as I'm living in the house?

A. Yes, as long as you rent out no more than two (2) rooms in your house. However, you may not place any advertisements which indicate a preference, or use the services of a real estate broker, agent or salesperson.

Q. Can I be accused of discrimination if I do not rent to persons in wheelchairs because my units are not adequate to accommodate them?

A. Yes. The person with a disability has the right to decide whether or not a unit is appropriate for them to rent. Modifications to the unit itself are allowed. Questions regarding "reasonable modifications" must be determined on a case-by-case basis.

Q. If there is a no-pet policy, can I still live there with my seeing-eye dog since I'm blind?

A. Yes. Guide dogs and other assistive animals are exempt from a "no-pet" policy.

Q. Can I be denied housing if I have children?

A. No. Only housing designated for occupancy by people over 55 or 62 can retain an all adult status.