



# Forward with **Fairness**: Understanding Fair Housing Requirements

A Quick Reference Guide  
for Housing Providers in the  
District of Columbia, Maryland and Virginia

DISCLAIMER: The information provided in this publication is intended to guide housing providers on ensuring they are aware of the distinctions around federal and local fair housing requirements of several jurisdictions in the Mid-Atlantic region. **This publication should not be considered legal advice.** The Fair Housing Act (42 U.S.C. 3601 et seq., Title VIII of the Civil Rights Act of 1968 with the Fair Housing Amendments Act of 1988) prohibits discrimination in the sale, rental, or financing of housing on the bases of race, color, national origin, religion, sex, disability and familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18).

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# DISTRICT OF COLUMBIA

Washington, D.C.

## Office of Human Rights

441 4th Street, NW, Suite 570N

Washington, DC 20001

Phone: 202-727-4559



Office of Human Rights

DISTRICT OF COLUMBIA

## MISSION STATEMENT:

The District of Columbia Office of Human Rights (OHR) was established to eradicate discrimination, increase equal opportunity and protect human rights for persons who live in or visit the District of Columbia. The agency enforces local and federal human rights laws, including the DC Human Rights Act, by providing a legal process to those who believe they have been discriminated against. OHR proactively enforces human rights in the District through Director's Inquiries, which allow it to identify and investigate practices and policies that may be discriminatory.

## GUIDING FAIR HOUSING LAWS:

OHR enforces the DC Human Rights Act of 1977, as amended. OHR also has a work share agreement with HUD, which empowers the Office and its staff to investigate and enforce the federal Fair Housing Act of 1988, as it relates to housing discrimination in the District of Columbia. In addition, OHR enforces the Fair Criminal Record Screening for Housing Act of 2016 (FCRSHA/"Ban the Box"), which covers unlawful criminal background checks conducted by housing providers prior to providing a conditional offer of approval for rental housing.

## EIGHTEEN PROTECTED TRAITS UNDER HOUSING:

Race, color, sex, religion, national origin, disability, familial status, age, marital status, sexual orientation, gender identity or expression, personal appearance, matriculation, family responsibilities, source of income, place of residence or business, status as a victim of an intrafamily offense and political affiliation. There are seven federally protected traits that OHR enforces: race, color, sex, religion, national origin, disability and familial status.

*FCRSHA is not based on a protected trait, but rather is a compliance law that covers unlawful criminal background inquiries related to rental housing.*

## AUDIENCE:

Applies to individuals, corporations, associations and others involved in the provision of housing and residential lending, including property owners, housing managers, homeowners and condominium associations, lenders, real estate agents and brokerage services.

### 1. Complaint Procedure:

A complaint must be filed with OHR in writing within **365 days** of the last date of the alleged discriminatory act or **two years** if you wish to file a private fair housing lawsuit in a state or federal court, at your own expense.

### 2. Exemptions:

Under the DC Human Rights Act and the federal Fair Housing Act the following exemptions apply:

- Small Real Estate Business Single-Family House Exemption
- “Mrs. Murphy” Owner-Occupant Exemption
- Religious Organization Exemption
- Private Club Exemption
- Housing for Older Persons Exemptions (HOPA)

Under the Fair Criminal Records Screening Housing Act the following exemptions apply:

- Housing providers that live in their own building and that have three or fewer rental units;
- When federal law or DC law requires housing providers to consider criminal history; or
- When a federal law or DC law allows for denial of an applicant due to certain criminal convictions.



# MARYLAND

## Baltimore City

### Office of Civil Rights and Wage Enforcement

City Hall - Room 250

100 N. Holliday St. • Baltimore, MD 21202

City Operator: 410-396-3100



### MISSION STATEMENT:

The Office of Civil Rights and Wage Enforcement is a city agency devoted to upholding the federal and local civil rights laws, as well as the local minimum, living, and prevailing wage laws. The overarching mission of the Office of Civil Rights is to carry out activities to eliminate discrimination and protect individuals' civil rights. There are three commissions that are housed in the Office of Civil Rights and Wage Enforcement: the Community Relations Commission, the Wage Commission and the Civilian Review Board.

The Community Relations Commission is the city's official fair employment practice, human rights and intergroup relations agency, which is responsible for combating unlawful discrimination in employment, public accommodation, housing, education and health and welfare services based on race, color, religion, national origin, ancestry, sex, physical or mental disability, sexual orientation, gender identity and expression and marital status. The Community Relations Commission is also charged with enforcing the city's "Ban the Box" law that prohibits employers from inquiring into an individual's criminal history during the application phase of the hiring process.

### GUIDING LAWS:

Article 4 of the Baltimore City Code prohibits discrimination. The Community Relations Commission receives and investigations claims of discrimination that violate Article 4 of the Baltimore City Code, in addition to enforcing federal fair housing law.

### THIRTEEN PROTECTED TRAITS UNDER HOUSING:

Race, color, religion, national origin, ancestry, sex, age, marital status, familial status, physical or mental disability, sexual orientation, or gender identity or expression and retaliation.



## **AUDIENCE:**

Applies to real estate agents, brokers, financial institutions, property owners, landlords, building superintendents, and their agents or employees under Article 4 of the Baltimore City Code Section 2-185 et seq.

## **APPLIES TO TRANSACTION OF:**

Sale, rental or lease of real property, listing or advertising property, receipt or transmittal of offers to purchase or rent property, application and terms of a mortgage or other loans.

## **ASSOCIATED PENALTIES INCLUDE:**

The Office has no cap in settlements agreements, but settlement procedures are guided by the Commission at a public hearing.

The Commission may also order civil fines of no more than \$1,000, and each day of continued violation constitutes a separate offense, with maximum amounts:

- Not exceeding \$10,000, if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
- Not exceeding \$25,000, if the respondent has been adjudged to have committed 1 other discriminatory housing practice during the five-year period ending on the date of the filing of this Complaint; or
- Not exceeding \$50,000, if the respondent has been adjudged to have committed two or more discriminatory housing practices during the seven-year period ending on the date of the filing of this complaint.
- Exception: if discriminatory housing practice reoccurs by the same person then the civil penalties may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

### **1. Housing Barriers**

- Source of income (not a protected class)
- Racial discrimination

### **2. Complaint Procedure**

- You must file your complaint in writing within **180 days** after the alleged harassment occurred or terminated.
- You have **two years** if you wish to file a private fair housing lawsuit in a state or federal court, at your own expense.

### 3. Exemptions

- Religious institutions may discriminate in employment, the rental or sale of housing and property, and in operating public facilities in order to promote their religious principles.
- Single-sex housing: renting to members of one sex is permitted if the dwelling is constructed in such a way that personal privacy and personal safety are an issue, such as in dormitories or shared housing.
- Property owners can be exempt from fair housing laws if:
  - They live in the building and the building contains four or fewer units;
  - They provide housing for older persons ages 55 and over;
  - There is a governmental occupancy limit for a dwelling; or
  - Persons seeking housing are convicted of certain drug offenses.





# Howard County

## Office of Human Rights

6751 Columbia Gateway Drive, Suite 239

Columbia, MD 21046

Phone: 410-313-6430



### **MISSION STATEMENT:**

The Howard County Office of Human Rights seeks to eradicate discrimination, increase equal opportunity and protect and promote human rights in the County. The Office serves as a catalyst in fostering attitudes and beliefs among Howard County citizens, which confirm that all individuals have an equal opportunity to enjoy a wholesome and productive quality of life and can pursue their lives free of discrimination.

### **GUIDING FAIR HOUSING LAWS:**

Howard County Title 12, Subtitle 2

### **SIXTEEN PROTECTED TRAITS UNDER HOUSING:**

Race, creed, religion, disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, personal appearance, familial status, source of income or gender identity or expression.

### **AUDIENCE:**

Applies to rental companies, property management companies, real estate agents, brokers, financial and lending institutions, property owners, landlords, building superintendents and their agents or employees (under Howard County Title 12, Subtitle 2).

### **APPLIES TO HOUSING TRANSACTIONS OF:**

Sale, rental or lease of real property and associated terms and conditions, listing or advertising property, receipt or transmittal of offers to purchase or rent property, application and terms of a mortgage or other loans.

### **ASSOCIATED PENALTIES INCLUDE:**

Pursuant to Section 20-1028 of the State Government Article of the Annotated Code of Maryland, a civil penalty of:

- \$10,000 may be assessed if the respondent has not been adjudged to have committed any prior unlawful housing practice;

- \$25,000 may be assessed if the respondent has been adjudged to have committed one other unlawful housing practice during the five-year period prior to the filing of this complaint;
- 50,000 may be assessed if the respondent has been adjudged to have committed two or more unlawful housing practices during the seven-year period prior to the filing of this complaint; or.
- Reimbursement for financial loss, damages for mental distress and humiliation in the amount of up to \$1,000 plus reasonable attorney's fees.
- Exception: If discriminatory housing practice reoccurs by the same person then the civil penalties may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

### 1. Complaint Procedure

- Complainants have **365 days** after the alleged discrimination occurred or terminated to file a complaint.
- Complainants have **two years** to file a law suit in a state or federal court.

### 2. Exemptions

- Age-related dwellings
- Owner occupied dwelling
- Private membership clubs
- Religious organizational dwellings
- Sale or rental of single-family dwellings without broker, agent, or advertising
- Threats to health and safety
- Maximum occupancy
- Use of attorneys or escrow agents does not affect otherwise exempted persons.
- Source of income: any lawful source of money that is paid to, or for the benefit of, a renter or buyer of housing, including:
  - A lawful profession or occupation; or
  - A federal, state or local government assistance, grant or loan program

# Prince George's County

## Human Relations Commission

14741 Governor Oden Bowie Dr.  
Suite L202  
Upper Marlboro, MD 20772  
Phone: 301-883-6170



### MISSION STATEMENT:

It shall be the mission of the Human Relations Commission, as the county's civil rights education and enforcement agency, to provide residents, businesses and visitors an efficient and cost effective administrative alternative for investigating, mediating and adjudicating complaints of unlawful discrimination; particularly in the areas of housing, employment, law enforcement, education, public accommodations and real estate transactions.

- We will be professional, competent and fair to all those we serve.
- We value our Commission staff for their skill, dedication and creativity and the Commission will provide a positive work environment based on mutual respect and dignity, where personal and professional development is encouraged.
- We will seek to always improve our systems and processes in the interest of producing more thorough investigations and resolving cases in a timely manner.
- We will work to ensure that our services are equally accessible to those of various abilities and of limited English proficiency.

### GUIDING LAWS:

The [Human Relation Commission](#) under the County Code investigates and prosecutes violations of anti-discrimination ordinance in areas of Housing, Employment, Public Accommodations, Police Misconduct, Education, Financial Lending and Real Estate Transactions. The Commission has a work share agreement with the U.S. Equal Employment Opportunity Commission (EEOC), which empowers the Commission and its staff to investigate and enforce all federal discrimination laws related to:

- Title VII of the Civil Rights Act of 1964 and 1981
- Americans with Disabilities Act of 1990 (ADA)
- Prince George's County Code, Subtitle 2, Division 12

### THIRTEEN PROTECTED TRAITS UNDER HOUSING:

Race, color, sex, religion, national origin, age, occupation, marital status, familial status, physical or mental disability, sexual orientation, personal appearance or political opinion.

## **AUDIENCE:**

Applies to rental companies, property management companies, real estate agents, brokers, financial and lending institutions, property owners, landlords, building superintendents, and their agents or employees under Division 12 of the Prince George County Code Section 2-185 et seq.

## **APPLIES TO TRANSACTION OF:**

Sale, rental or lease of real property and associated terms and conditions, listing or advertising property, receipt or transmittal of offers to purchase or rent property, application and terms of a mortgage or other loans, for married couples a landlord or lender must consider income of both spouses

## **ASSOCIATED PENALTIES INCLUDE:**

An order restraining unlawful discrimination, reimbursement for financial loss, damages for pain and humiliation in the amount of up to \$200,000.

The Commission may also order civil fines to be paid up to \$10,000 depending on the circumstances.

### **1. Housing Barriers**

- Historic racial and ethnic segregated housing patterns that exist to present
- Mortgage company redlining and exotic mortgage dumping based on race, just prior to the housing crash
- Lack of affordable and workforce housing stock for those of limited means
- Outdated zoning ordinances

### **2. Complaint Procedure**

- You must file your complaint in writing within **360 days** after the alleged housing discrimination occurred.
- You have **two years** if you wish to file a private fair housing lawsuit in a state or federal court, at your own expense.

### **3. Exemptions**

- Owner occupied housing units
- Religious housing, or connected to religious or faith based institution
- Educational institutions (student dormitories)
- Senior Housing (55 and older)

# VIRGINIA

## Fairfax County

### Office of Human Rights and Equity Programs

12000 Government Center Parkway, Suite 318

Fairfax, VA 22035

Phone: 703-324-2953



## MISSION STATEMENT:

The mission of the Office of Human Rights and Equity Programs (OHREP) is to ensure equal opportunity and to promote justice, diversity, and inclusiveness by protecting the civil rights of all in Fairfax County. OHREP receives and investigates complaints alleging violations of the Fairfax County Human Rights Ordinance and manages the County's Fair Housing Plan. OHREP also administers the County's Equal Employment Enforcement (EEO) program and ensures the County's compliance with all federal, state, and county mandates granting equal access to all County services, programs and employment opportunities.

## GUIDING FAIR HOUSING LAWS:

- Fair Housing Act, as amended (1988)
- Section 109 of Title I of the Housing and Community Development Act of 1974
- Virginia Fair Housing Law and 2017 Amendments to Fair Housing Law: *Rights & responsibilities with respect to the use of an assistance animal*
- Fairfax County Human Rights Ordinance, as amended, 2010

## NINE PROTECTED TRAITS UNDER HOUSING:

Race, color, sex, religion, national origin, marital status, familial status (having children younger than 18), handicap or disability or elderliness (age 55+).

## AUDIENCE:

Applies to property managers, owners, landlords, real estate agents, banks, savings institutions, credit unions, insurance companies, mortgage lenders and appraisers.

## APPLIES TO HOUSING TRANSACTIONS OF:

Sale, rental or lease of real property and associated terms and conditions, listing or advertising property, receipt or transmittal of offers to purchase or rent property, application and terms of a mortgage or other loans, for married couples, a landlord or lender must consider income of both spouses.



## **ASSOCIATED PENALTIES INCLUDE:**

Civil action by County Attorney upon referral of charge by the Human Rights Commission.

Once a charge is referred by the Commission to the County Attorney, the County Attorney, at County expense, shall commence and maintain a civil action seeking relief on behalf of the Commission and the complainant in court. If the court or jury finds that a discriminatory housing practice has occurred or is about to occur, the court or jury may grant appropriate relief.

### **1. Housing Barriers**

- Racial and ethnic demographics
- Shortage of Fairfax County housing affordable to households
- Dual housing market largely constrains African Americans to a geographically-limited secondary market that segregates minority areas
- Dual housing market is the product of decades of past and present discriminatory practices and policies
- Present in Fairfax, Arlington, Loudon, Prince George's, and Charles counties as well as the District of Columbia



## 2. Complaint Procedure

- Complainants have **365 days** after the alleged discrimination occurred or terminated to file a complaint.
- Complainants have **two years** if you wish to file a law suit in a state or federal court.

## 3. Exemptions

The fair housing laws cover most housing. In some circumstances, the laws exempt:

- Owner-occupied buildings with no more than four units, if the owner actually maintains and occupies of the units;
- Some single-family housing sold or rented by an owner, provided that individual owner does not own more than three single-family houses at any one time. In the case of the sale of any single-family house by a private individual-owner not residing in the house at the time of the sale or who was not the most recent resident of the house prior to sale, the exemption granted applies only with respect to one such sale within any twenty-four-month period;
- Non-commercial housing operated by a religious group, provided it does not discriminate on a basis other than religion;
- Non-commercial housing operated by organizations and private clubs that limit occupancy solely to members; or
- Housing for older people is exempt from the prohibition against familial status discrimination if it is determined that it is specifically designed for and occupied by older people or meets certain requirements.
- Exemptions only apply if the property is not sold or rented with the sales or rental services of a real estate broker.
- The prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt.



# Office of Human Rights

DISTRICT OF COLUMBIA

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