

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 618

(Delegate Rosenberg, *et al.*)

Environmental Matters

**Human Relations Commission - Discrimination in Housing - Reasonable
Accommodations for Religious Practices**

This bill establishes that it is unlawful to refuse to make reasonable accommodations for religious practices in the operation of a covered multifamily dwelling, including an apartment building or condominium.

Fiscal Summary

State Effect: None. Any potential increase in the workload of the Maryland Human Relations Commission could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: No existing federal or State law specifically ensures reasonable accommodations for religious practice.

Under Article of 49B, housing discrimination because of race, sex, creed, color, religion, national origin, marital status, and physical or mental handicap is prohibited, with certain exceptions for religious organizations, private clubs, and single-family dwellings sold or rented without advertisement or third-party involvement. Chapter 340 of 2001 added sexual orientation to this list of prohibited forms of discrimination.

A “covered multifamily dwelling” is (1) a building consisting of four or more units, if the building has one or more elevators; or (2) a ground floor unit in a building consisting of four or more units, if the building has no elevator.

Background: Various federal and state laws unrelated to housing provide similar protections. For example, Title VII of the Civil Rights Act of 1964 requires an employer to reasonably accommodate an employee’s religious practice, unless such measures would cause the employer an undue hardship. Maryland law also provides that it is unlawful to refuse to make reasonable accommodations that may be necessary for individuals with a disability to use and enjoy a dwelling.

In defining what constitutes a “reasonable accommodation,” Maryland courts generally look to interpretations of the Americans with Disabilities Act and the Rehabilitation Act of 1973. *Solberg v. Majerle Management*, 388 Md. 281, 295 (2005). The *Solberg* decision reiterates that cases examining reasonable accommodations are generally very fact-specific and must take into account “the cost and burdens of any requested accommodation.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Human Relations Commission, Department of Housing and Community Development, Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2008
mcp/jr

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510