



Committee: PHP
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To receive testimony – no vote expected

AGENDA ITEM #12
September 15, 2026
Public Hearing

SUBJECT

Bill 38-26, Discriminatory Housing Practices and Early Lease Termination – Amendments

Lead Sponsor: Councilmember Mink

Co-Sponsors: Councilmembers Stewart, Jawando, Evans, Luedtke, and Sayles

EXPECTED ATTENDEES

Members of the Public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To receive public testimony

DESCRIPTION/ISSUE

Bill 38-26 would:

- (1) prohibit discrimination based on citizenship or immigration status in the sale or rental of housing;
- (2) permit the landlord to allow early termination of a residential lease under certain circumstances; and
- (3) generally amend the law regarding housing discrimination and landlord-tenant relations.

SUMMARY OF KEY DISCUSSION POINTS

N/A

This report contains:

Staff Report	Pages 1–4
Bill 38-26	© 1
Fiscal Impact Statement	© 5
Racial Equity and Social Justice Impact Statement	© 7
Climate Assessment	© 12

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MEMORANDUM

September 10, 2026

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 38-26, Discriminatory Housing Practices and Early Lease Termination - Amendments

PURPOSE: Public Hearing – to receive public testimony

Bill 38-26, Discriminatory Housing Practices and Early Lease Termination - Amendments, sponsored by Lead Sponsor Councilmember Mink and Co-Sponsors Councilmembers Stewart, Jawando, Evans, Luedtke, and Sayles, was introduced on July 28, 2026. A Planning, Housing, and Parks (PHP) committee worksession is tentatively scheduled for October 26, 2026.

Bill 38-26 would:

- (1) prohibit discrimination based on citizenship or immigration status in the sale or rental of housing;
- (2) permit the landlord to allow early termination of a residential lease under certain circumstances; and
- (3) generally amend the law regarding housing discrimination and landlord-tenant relations.

PURPOSE

The purpose of Bill 38-26 is twofold: 1) to expand the County's fair housing law to prohibit discrimination on the basis of citizenship or immigration status to ensure that individuals are not denied the opportunity to rent or purchase housing in the County; and 2) to authorize a tenant to terminate a residential lease early when an active immigration proceeding substantially affects the tenant's continued occupancy of the rental property.

BACKGROUND

Federal and Maryland Fair Housing Law

Federal and Maryland state law prohibit housing discrimination. The federal Fair Housing Act (FHA), enacted in 1968, covers rentals, sales, and mortgages and protects individuals on the

basis of race, color, religion, sex, national origin, disability, and familial status. Landlords, lenders, and real estate agents may not refuse to rent, offer discriminatory terms, or falsely claim a property is unavailable. Although the FHA does not explicitly list "citizenship" as a protected class, it protects against discrimination based on national origin (where a person's ancestors were born, their accent, or native language). Therefore, housing providers must treat all applicants equally.¹

Pursuant to §20-702 of the Maryland State Government Article:

(a) *It is the policy of the State:*

(1) *to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, source of income, or military status; and*

(2) *to that end, to prohibit discriminatory practices with respect to residential housing by any person, in order to protect and ensure the peace, health, safety, prosperity, and general welfare of all.*

Maryland does not include "citizenship status" or "immigration status" as protected classes under state law. Senate Bill 875 of 2022 (cross-filed House Bill 928), Discrimination in Housing – Citizenship, Immigration Status, and National Origin, was introduced before the Maryland General Assembly to prohibit discrimination based on a person's citizenship or immigration status, but the bill failed to advance from the Senate and House committees.

Does the County have the authority to expand the protected classes under local law?

Although state law does not expressly prohibit discrimination based on citizenship or immigration status, the County is not barred from expanding its anti-discrimination protections.

The Court held in *Barnes v. State ex rel. Pinkney*, 236 Md. 564, 204 A.2d 787 (1964), that a common-law duty not to discriminate extended to an "inn," and that such an extension of the public accommodation law falls within the legislative discretion of a local jurisdiction, under its police power, to determine what measures are necessary or appropriate for the protection of the health, morals, or welfare of the people. Further, in *Barnes*, the Court stated that it will not interfere with the exercise of that discretion if the regulation is not arbitrary, oppressive, or unreasonable, even if doing so may inconvenience individual citizens (emphasis added). *Id.* at 787.

In *Montgomery County. v. Glenmont Hills Assocs. Priv. World at Glenmont Metro Ctr.*, 402 Md. 250, 936 A.2d 325 (2007), the Supreme Court of Maryland reviewed a challenge to a 1991 amendment to the County's fair housing law², which made it unlawful for certain landlords to refuse to sell, lease, or rent housing based on a person's source of income. At the time, Section 27-6 defined "source of income" to include "any lawful source of money, paid directly or indirectly

¹ <https://www.fairhousingnc.org/wp-content/uploads/2014/10/HUD-Immigration-Status-and-Housing-Discrimination-FAQs-7-2012.pdf>

² Section 27-12 of the Montgomery County Code

to a renter or buyer of housing, including income from ... any government or private assistance, grant, or loan program."

The Court held that the County's amendments were constitutional and not preempted by federal law. In reaching that decision, the Court analyzed only the relationship between the County's fair housing law and federal law and did not address whether state law preempted the local law. Although the Court considered state-law preemption, it remained silent on that question. Instead, the Court recognized the County's authority to prohibit discrimination against recipients of housing assistance under its fair housing law.

The County's public housing authority – the Housing Opportunities Commission (HOC) – has a fair housing and discrimination policy that expressly prohibits discrimination based on citizenship.

Other jurisdictions with similar protections

Prince George's County fair housing law prohibits discrimination based on citizenship and immigration status, while Anne Arundel County's fair housing law includes citizenship. New York City bans inquiries into an applicant's citizenship status.

BILL DESCRIPTION

Bill 38-26 would expand the protected class under the County's fair housing law to include citizenship and immigration status. A landlord or realtor would be prohibited from discriminating against an individual because the individual or their family is from another country, is in active immigration proceedings, is undocumented, or holds an immigrant visa.

Further, the bill expands on tenants' right to terminate a lease early, if:

- the tenant is being deported, detained, or held for more than 30 days pursuant to immigration proceedings; or
- the tenant is facing financial hardship due to an occupant of the rental property being deported, detained, or held for more than 30 days pursuant to immigration proceedings.

Any person subjected to an act of discrimination or intimidation under the County's Human Rights and Civil Liberties law may pursue a civil action under Maryland law. A person who substantially prevails in a civil action may recover costs and reasonable attorney's fees. If a person fails to comply with a court order issued in a civil action under this article, the Commission, acting through the County Attorney, may sue to compel compliance. If the County substantially prevails in that action, the County may recover costs and reasonable attorney's fees. The County Attorney may bring a civil action to enforce this article. If the County substantially prevails in an enforcement action, the County may recover costs and reasonable attorney's fees.

Complaints related to lease terminations would have been under Chapter 29 of the County Code, including a review by the Office of Landlord Tenant Affairs.

This packet contains:

Bill 38-26
Fiscal Impact Statement
Racial Equity and Social Justice Impact Statement
Climate Assessment

Circle #

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Bill No. 38-26
Concerning: Discriminatory Housing
Practices and Early Lease
Termination – Amendments
Revised: 7/17/2026 Draft No. 2
Introduced: June 28, 2026
Expiration: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Mink
Co-Sponsors: Councilmembers Stewart, Jawando, Evans, Luedtke, and Sayles

AN ACT to:

- (1) prohibit discrimination based on citizenship or immigration status in the sale or rental of housing;
- (2) permit the landlord to allow early termination of a residential lease under certain circumstances; and
- (3) generally amend the law regarding housing discrimination and landlord-tenant relations.

By amending

Montgomery County Code
Chapter 27, Human Rights and Civil Liberties
Sections 27-1 and 27-12

Chapter 29, Landlord-Tenant Relations
Section 29-27

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 27-1, 27-12, 29-27 are amended as follows:

27-1. Statement of policy.

(a) The County Council finds that discrimination because of race, color, religious creed, ancestry, national origin, age, sex, marital status, disability, genetic status, presence of children, family responsibilities, citizenship status, immigration status, source of income, sexual orientation, or gender identity adversely affects the health, welfare, peace, and safety of the community. Persons subject to discrimination suffer unemployment and underemployment resulting in low family income, overcrowded housing, poor health conditions, antisocial behavior, poverty, and lack of hope, injuring the public welfare, placing a burden upon the public treasury to ameliorate the conditions thus produced, and creating conditions which endanger the public peace and order. Montgomery County's policy is to foster equal opportunity for all without regard to race, color, religious creed, ancestry, national origin, sex, marital status, age, disability, presence of children, family responsibilities, citizenship status, immigration status, source of income, sexual orientation, gender identity, or genetic status and strictly in accord with their individual merits as human beings.

* * *

27-12. Discriminatory housing practices.

(a) A person must not, because of race, color, religious creed, ancestry, national origin, sex, marital status, disability, presence of children, family responsibilities, citizenship status, immigration status, source of income, sexual orientation, gender identity, or age:

- (1) refuse, or refuse to negotiate, to sell, broker, appraise, lease, sublease, rent, assign, or otherwise transfer the title, leasehold, or other interest in any housing;
- (2) represent that housing is not available for inspection, sale, lease, sublease, rental, assignment, or other transfer when it is available;
- (3) otherwise deny or withhold any housing from any person;
- (4) include in the terms, conditions, or privileges of any sale, lease, sublease, rental, assignment, or other transfer of any housing, any clause, condition, or restriction discriminating against any person in the use or occupancy of that housing; or
- (5) discriminate in the furnishing of any facilities, repairs, improvements, or services, or in the terms, conditions, privileges, or tenure of occupancy of any person.

* * *

29-27. Contents of the lease.

Each lease for rental housing located in the County must:

- (s) Allow the tenant to terminate the lease upon 30 days' written notice to the landlord due to:
 - (1) an involuntary change of employment from the Washington metropolitan area;
 - (2) the death of major wage earner;
 - (3) unemployment;
 - (4) the tenant or the tenant's child being a victim of domestic violence;
 - (5) a landlord harassing the tenant or violating the tenant's privacy rights;
 - (6) the tenant or tenant's spouse:
 - (A) being 62 years of age or older;

- 53 (B) being unable to live independently; and
- 54 (C) needing to move to a nursing home or other senior citizen
- 55 housing;
- 56 (7) the tenant being incarcerated or declared mentally incompetent;
- 57 (8) a tenant:
- 58 (A) being deported, detained, or held for more than 30 days
- 59 pursuant to immigration proceedings; or
- 60 (B) facing financial hardship due to an occupant of the rental
- 61 property being deported, detained, or held for more than 30
- 62 days pursuant to immigration proceedings.
- 63 [(8)] (9) * * *
- 64 [(9)] (10) other reasonable cause beyond the tenant's control. Except for the
- 65 reason listed in paragraph(s) [(8)] (9), the lease may provide that in
- 66 the event of termination under this provision, the tenant is liable
- 67 for a reasonable termination charge not to exceed the lower of one
- 68 month's rent or actual damages sustained by the landlord.



Fiscal Impact Statement

Office of Management and Budget

Bill 38-26

Discriminatory Housing Practices and Early Lease Termination - Amendments

Bill Summary

Bill 38-26 would prohibit discrimination in the sale or rental of housing based on an individual's citizenship or immigration status; and allow tenants to terminate a residential lease early if they are deported, detained, or held for more than 30 days due to immigration proceedings, or if the tenant experiences financial hardship because an occupant of the unit is subject to one of these conditions.

Fiscal Impact Summary

There is no fiscal impact associated with Bill 38-26.

Fiscal Year	27	28	29	30	31	32	Total
Personnel Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Revenues	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Impact	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00	

Fiscal Impact Analysis

The Department of Housing and Community Affairs does not expect any changes in revenues or expenditures from Bill 38-26. Implementing the bill will require approximately 80 hours of one-time staff work to update educational materials, webpages, and sample leases, along with an estimated three additional staff hours per month to handle increased public inquiries. These workload increases can be fully absorbed with existing resources, and no additional costs beyond the current budget are anticipated.

Staff Impact

The bill is expected to have minimal impact on staff time and responsibilities.

Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

Increases in federal immigration enforcement activities within the County might raise the number of tenants affected by this bill, thereby increasing the volume of related service requests and complaints DHCA must address. The extent of this impact would correspond directly to the scale of enforcement activity. Additionally, the number of inquiries and complaints DHCA receives will depend on whether affected tenants choose to engage with the County. DHCA understands that many tenants with concerns about their immigration status may avoid interactions with public agencies, meaning some individuals impacted by enforcement actions may not seek County assistance.



Contributors

Scott Bruton, Director, Department of Housing and Community Affairs (DHCA)
Jenny Snapp, Deputy Director, DHCA
Zachary Patton, Rental Housing Division Chief, DHCA
Nicolle Katrivanos, Manager of the Office of Landlord-Tenant Affairs, DHCA
Anita Aryeetey, Lead Fiscal and Policy Analyst, Office of Management and Budget



Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 38-26: DISCRIMINATORY HOUSING PRACTICES AND EARLY LEASE TERMINATION - AMENDMENTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 38-26 would have a positive impact on racial equity and social justice (RESJ) in the County. Latinx and Asian community members would disproportionately benefit from expanding housing protections for immigrant community members and lease termination rights for tenants impacted by immigration proceedings. OLO also recognizes Bill 38-26 as an equitable policy proposal since it centers the needs of immigrant community members, who are disproportionately Asian and Latinx.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF BILL 38-26

Federal, state, and local fair housing laws prohibit housing discrimination based on various protected classes. These include race, national origin, disability, sexual orientation, and source of income, among others.³ Fair housing laws do not explicitly include citizenship or immigration status as protected classes. To address the lack of legal protection for immigrants, some counties, such as Prince George's and Anne Arundel, have included citizenship and immigration status as protected classes in their local fair housing laws.⁴

The purpose of Bill 38-26 is to expand housing protections for immigrant community members in the County. It also aims to expand lease termination rights for tenants who are impacted by immigration proceedings.

If enacted, Bill 38-26 would include citizenship status and immigration status as protected classes in the County's fair housing law. This would prohibit housing providers (e.g., landlords, realtors) from discriminating against a community member because they or their family:⁵

- Are from another country;
- Are in an active immigration proceeding
- Are undocumented; or
- Have an immigrant visa.

Additionally, Bill 38-26 would allow tenants to terminate a lease early if they are:⁶

- Being deported, detained, or held for more than 30 days pursuant to immigrant proceedings; or
- Facing financial hardship due to a household member being in immigration proceedings.

RESJ Impact Statement

Bill 38-26

The Council introduced Bill 38-26 on July 28, 2026.

This RESJIS builds on the ones for:

- Expedited Bill 26-24, Police - U visa Law Enforcement Certification Policy, published in December 2024, which provides racial equity context on undocumented community members;⁷ and
- Bill 3-26, Administration - Immigration Enforcement Guidance - Required (The County Values Act), published in March 2026, which provides racial equity context on U.S immigration policy and enforcement.⁸

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 38-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

OLO identified the following groups who would be impacted by Bill 38-26:

Community members who are immigrants, especially those who are undocumented, would benefit from having expanded housing protections that prohibit discrimination based on citizenship or immigration status. They would also benefit from having expanded lease termination rights in the case they or a household member are impacted by immigration proceedings.

As shown in Table A (Appendix), Asian and Latinx community members are overrepresented among community members born outside the U.S. They are also overrepresented among community members who are not U.S. citizens. Conversely, Black, Native American, and Pacific Islander community members are proportionately represented among community members born outside the U.S. and those who are not U.S. citizens, while White community members are largely underrepresented. Of note, community members who are not U.S. citizens include community members who have legal status in the U.S. and undocumented community members who do not have legal status. Estimates from the Migration Policy Institute suggest undocumented community members in the County are disproportionately Latinx.^{9,10}

Landlords could be burdened by additional allowances for early lease termination. This could reduce their expected rent revenue from tenants who terminate their lease early. As shown in Table B (Appendix), White people are largely overrepresented among landlords and other real estate business owners in the County.

Of note, OLO Report 2025-2 previously found the Office of Human Rights had not fully recovered from staffing cuts that occurred in FY12. This has had an adverse impact on the office's ability to effectively enforce fair housing laws.¹¹ While the office had five FTEs dedicated to fair housing programs in FY09, it only has 0.5 FTE dedicated today.¹² Successful enforcement of expanded anti-discrimination protections in Bill 38-26 will depend on adequate resourcing of the Office of Human Rights. Notably, the Office of Management and Budget (OMB) found the Department of Housing and Community Affairs (DHCA) would be able to implement expanded lease termination rights for tenants with existing resources.¹³ OMB's assessment did not describe the fiscal impact to the Office of Human Rights of enforcing expanded anti-discrimination protections.

RESJ Impact Statement

Bill 38-26

Taken together, OLO anticipates Bill 38-26 would have a positive impact on RESJ in the County. OLO also recognizes Bill 38-26 as an equitable policy proposal since it centers the needs of immigrant community members, who are disproportionately Asian and Latinx.

RECOMMENDED AMENDMENTS

The County’s RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.¹⁴ OLO anticipates Bill 38-26 would have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments. However, should the Council seek to improve the RESJ impact of this Bill, OLO offers one policy option for Council consideration:

- **Consider recommendations in OLO Report 2025-2 to improve enforcement of fair housing laws.** These include convening a collaborative effort to jointly develop, implement, and evaluate outreach, education, and enforcement of fair housing laws, and increasing funding to the Office of Human Rights to support successful implementation of fair housing and other human rights laws.¹⁵ This would help increase the effectiveness of Bill 38-26 and other fair housing laws to protect BIPOC community members against housing discrimination.

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council’s decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Table A. Community Members Born Outside of the U.S by Race and Ethnicity, Montgomery County¹⁶

Race or ethnicity	% Born Outside of U.S.	% Born Outside of U.S. and not a U.S. Citizen	% County Population
Asian	31.6	25.7	15.4
Black	19.5	16.4	18.6
Native American	0.8	0.8	0.6
Pacific Islander	0.0	0.0	0.0
White	16.8	14.0	42.1
Latinx	32.2	44.1	21.0

Source: [Table S0501, 2024 American Community Survey 5-Year Estimates, Census Bureau.](#)

RESJ Impact Statement

Bill 38-26

Table B. Real Estate and Rental and Leasing Employer Firms by Race and Ethnicity, Montgomery County

Race or ethnicity	Percent of Real Estate and Rental and Leasing Business Owners (NAICS 53)	Percent of All Sectors (NAICS 00)	Percent of Adult Population
Asian	12.4	21.8	16.3
Black	5.1	7.6	18.4
Native American	-	1.4	0.6
Pacific Islander	-	0.1	0.0
White	82.3	69.1	44.3
Latinx	3.9	10.0	19.0

Source: OLO analysis of [Table AB2200CSA01, 2022 Annual Business Survey](#) and [Table S2101, 2024 American Community Survey 5-Year Estimates](#), Census Bureau.

¹ Definition of racial equity and social justice adopted from M. Gamblin et al., [“Applying Racial Equity to U.S. Federal Nutrition Programs,”](#) Bread for the World and [Racial Equity Tools](#).

² Ibid.

³ [“Housing Discrimination Under the Fair Housing Act,”](#) U.S. Department of Housing and Urban Development; [“Housing Anti-Discrimination Law,”](#) Maryland Commission on Civil Rights; [Montgomery County Code Sec. 27-12](#).

⁴ [Introduction Staff Report for Bill 38-26](#), Montgomery County Council, Introduced July 28, 2026, pg. 3.

⁵ Ibid.

⁶ Ibid.

⁷ [RESJS for Bill 26-24](#), Office of Legislative Oversight, December 17, 2024.

⁸ [RESJS for Bill 3-26](#), Office of Legislative Oversight, March 2, 2026.

⁹ [RESJS for Expedited Bill 26-24](#), pg. 2.

¹⁰ [Profile of the Unauthorized Population: Montgomery County, MD](#), Migration Policy Institute.

¹¹ J. Peña, [OLO Report 2025-2: Implementation of the Housing Justice Act](#), Office of Legislative Oversight, pgs. 57-58.

¹² [FY27 Approved Expenditures: Fair Housing Program](#), Montgomery County Open Budget.

¹³ Fiscal Impact Statement for Bill 38-26, Office of Management and Budget.

¹⁴ [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established](#), Montgomery County Council.

¹⁵ [OLO Report 2025-2: Implementation of the Housing Justice Act](#), pgs. 64-65.

¹⁶ For Tables A and B, race is inclusive of Latinx origin. Margins of error for data points in Table B may be large.

Climate Assessment

Office of Legislative Oversight

BILL 38-26: DISCRIMINATORY HOUSING PRACTICES AND EARLY LEASE TERMINATION - AMENDMENTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 38-26 will have no impact on the County's contribution to addressing climate change as it is proposing an expansion on tenants' right to terminate a lease early.

BACKGROUND AND PURPOSE OF BILL 38-26

Although prohibiting housing discrimination based on race, color, religion, sex, national origin, disability, and familial status, Maryland law does not explicitly include "citizenship" or "immigration" status as a protected class. Some counties in the state, such as Prince George's and Anne Arundel Counties, have addressed this lack of legal protection for immigrants by including citizenship in their fair housing laws.¹

The purpose of Bill 38-26 is to prohibit individuals being denied the opportunity to rent or purchase housing in the County on the basis of citizenship or immigration status and to permit tenants to terminate residential leases early when they are subject to an active immigration proceeding affecting their occupancy of the rental property.² It would do so by including "citizenship status" in the County's fair housing law.³ According to the Council attorney's memo, landlords and realtors would therefore be prohibited from discriminating against individuals for being from another country, possessing an immigrant visa, or under an active immigration proceeding.⁴

Additionally, the Bill would "expand[] on tenants' right to terminate a lease early, if:

- the tenant is being deported, detained, or held for more than 30 days pursuant to immigration proceedings; or
- the tenant is facing financial hardship due to an occupant of the rental property being deported, detained, or held for more than 30 days pursuant to immigration Proceedings."

The Council introduced Bill 38-26 on July 28, 2026.

ANTICIPATED IMPACTS

As the Bill is proposing an expansion on tenants' right to terminate a lease early, OLO anticipates Bill 38-26 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.⁵ OLO does not offer recommendations or amendments as Bill 38-26 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help increase the County's community climate resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ See McCartney-Green to County Council, memorandum, in [Introduction Staff Report for Bill 38-26](#).

² Ibid.

³ See Bill text in Introduction Staff Report.

⁴ See McCartney-Green to County Council, memorandum.

⁵ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022