

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2021 Legislative Session**

Bill No. CB-097-2021

Chapter No. 76

Proposed and Presented by The Chair (by request – County Executive)

Introduced by Council Members Hawkins, Turner, Ivey, Glaros, Dernoga, Franklin  
Taveras, Davis, Harrison and Anderson-Walker

Co-Sponsors \_\_\_\_\_

Date of Introduction October 19, 2021

**BILL**

1 AN ACT concerning the

2 Office of Human Rights

3 For the purpose of amending certain definitions, clarifying investigative and conciliation  
4 procedures, creating the judicial election process, and updating general language to conform with  
5 the Federal Fair Housing Act.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 2. ADMINISTRATION.

8 Sections 2-186, 2-191, 2-201, 2-202, 2-203, 2-210, 2-  
9 211, 2-211.01, 2-212-, 2-213, 2-214, 2-217, and 2-218

10 The Prince George's County Code  
11 (2019 Edition; 2020 Supplement).

12 BY adding:

13 SUBTITLE 2. ADMINISTRATION

14 Sections 2-203.1, 2-203.2, 2-203.3 and 2-303.4

15 The Prince George's County Code  
16 (2019 Edition).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
18 Maryland, that Sections 2-186, 2-191, 2-201, 2-202, 2-203, 2-210, 2-211, 2-211.01, 2-212, 2-  
19 213, 2-214, 2-217, and 2-218 of the Prince George's County Code be and the same are hereby  
20 repealed and reenacted with the following amendments:

**SUBTITLE 2. ADMINISTRATION.**

**DIVISION 12. OFFICE OF HUMAN RIGHTS.**

**SUBDIVISION 1. GENERAL PROVISIONS.**

**Sec. 2-186. Definitions.**

(a) As used in this Division:

(1) Act shall mean the law established hereunder, and any subsequent legislative act or executive order which lawfully assigns a responsibility to the Office of Human Rights (hereinafter "Agency") to eliminate discrimination or the denial of civil rights.

(2) Aggrieved Person shall mean any person who:

(A) Claims to have been injured by discrimination as defined in Section 2-186(a)(5) of this Subtitle; or

(B) Believes that such person will be injured by discrimination that is about to occur.

[2] (3) Complainant shall mean the person alleging a violation under this Division.

(4) Covered multifamily dwelling shall mean buildings consisting of 4 or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of 4 or more units.

(5) Disability shall mean a physical or mental impairment which substantially limits one or more of a person's major life activities, a record of having such an impairment, or being regarded as having such an impairment.

[(3)] (6) Discrimination shall mean acting, or failing to act, or unduly delaying any action regarding any person because of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, familial status, marital status, political opinion, personal appearance, sexual orientation, disability, or gender identity, in such a way that such person is adversely affected in the areas of housing and residential real estate, employment, law enforcement, education, public accommodations, or commercial real estate.

[(4)] (7) Dwelling shall mean any building or structure, or portion thereof which is occupied as, designed, intended, or arranged for use or occupancy as a home,

1 residence, or sleeping place of one (1) or more individuals.

2 [(5)] (8) Employer shall mean any person engaged in legal industry  
3 affecting commerce, who has hired or contracted for the services of one (1) or more  
4 employees, or an agent of such person. Employer includes the Prince George's  
5 County Government.

6 [(6)] (9) Employment agency shall mean any person regularly  
7 undertaking with or without compensation to procure employees for an employer or  
8 to procure for employees opportunities to work for an employer and includes an agent  
9 of such a person, but shall not include any agency of the Federal or State  
10 governments.

11 [(7)] (10) Executive Director shall mean a person appointed by the County  
12 Executive to supervise the Agency and advise and assist the Human Rights  
13 Commission in its functions, and who shall serve at the pleasure of the County  
14 Executive.

15 [(8)] (11) Familial status shall mean one or more individuals, who have not  
16 attained the age of eighteen (18) years, being domiciled with a parent or another  
17 person having legal custody of such individual or individuals; or the designee of such  
18 parent or other person having such custody, with the written permission of such  
19 parent or other person. The protections afforded against discrimination on the basis of  
20 familial status shall be extended to any person who is pregnant or is in the process of  
21 securing legal custody of any individual who has not attained the age of 18 years.

22 [(9)] (12) Gender Identity shall mean an individual's actual or perceived  
23 gender, including a person's gender-related appearance, expression, image, identity,  
24 or behavior and whether or not those gender-related characteristics differ from the  
25 characteristics customarily associated with the person's assigned sex at birth.

26 [(10)] (13) Housing shall mean any dwelling for the use of one (1) or more  
27 individuals, groups or families, any mobile home site, and any land offered for sale,  
28 sublease, or lease for the construction of such dwelling, building, structure, or mobile  
29 home site.

30 [(11)] (14) Informal hearing shall mean any inquiry, forum, investigation,  
31 or meeting at which compulsory processes are not invoked and a record is not

1 prepared for the purpose of providing the basis of the Commission's compulsory  
2 processes. Informal hearings are not required to be open to public or press.

3 [(12)] (15) Labor organization shall mean a person or organization which  
4 exists for the purpose, in whole or in part, of dealing with employers concerning  
5 grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of  
6 employment, and any conference, general committee, joint or system board, or joint  
7 council so engaged which is subordinate to a national or international labor  
8 organization.

9 [(13)] (16) Lending Institution shall mean any bank, insurance company,  
10 savings and loan association, or any other person or organization regularly engaged in  
11 the business of lending money or guaranteeing loans within the County.

12 (17) Mediation shall mean the attempted resolution of issues raised by  
13 a complaint through informal negotiations involving the complainant and respondent.

14 [(14)] (18) Occupation shall keep its common meaning. In addition, under  
15 this Division it shall mean a principal lawful activity. Persons to be protected include,  
16 but are not limited to students, recipients of government assistance, retired persons, or  
17 persons with disabilities as defined in this Division, and any persons irrespective of  
18 income, who are denied the equal protection of the laws.

19 [(15)] (19) Office of Human Rights staff shall be referred to as "the Agency";  
20 the Commissioners of the Office of Human Rights, as defined by Section 2-187(a)  
21 shall be referred to as "the Commission" or "Human Rights Commission."

22 [(16)] (20) Person shall include one (1) or more individuals, labor unions,  
23 partnerships, associations, corporations, legal representatives, mutual companies,  
24 joint stock companies, trusts, unincorporated organizations, trustees, trustees in  
25 bankruptcy, agents, or receivers.

26 [(17)] (21) Personal appearance shall mean the outward appearance of any  
27 person irrespective of sex, with regard to bodily condition or characteristics, manner  
28 or style of dress, and manner or style of personal grooming, including, but not limited  
29 to hair style or beards. It shall not relate, however, to the requirement of cleanliness,  
30 uniforms, or prescribed attire when uniformly applied for admittance to a public  
31 accommodation or a class of employees for a customary or reasonable business.

1            [(18)] [ Disability shall mean a physical or mental impairment which substantially  
 2            limits one or more of a person's major life activities, a record of having such an  
 3            impairment, or being regarded as having such an impairment.]

4            [(19)] (22) Place of public accommodation shall include, but not be limited to, any  
 5            wholesale or retail store, inn, hotel, motel, or other establishment which provides  
 6            lodging to transient persons; or any restaurant, cafeteria, lunch room, lunch counter,  
 7            soda fountain, or other facility at which food or alcoholic beverages are sold for  
 8            consumption on the premises; or any gasoline station, motion picture house, theatre,  
 9            concert hall, sports arena, stadium, or place of exhibition or entertainment.

10           [(20)] (23) Political opinion shall mean the opinions of persons relating to  
 11           government, or the conduct of government; or related to political parties authorized to  
 12           participate in elections in the State.

13                    (24) Residential real estate-related transaction shall mean any of the  
 14                    following:

15                            (a) The making or purchasing of loans or providing other financial  
 16                            assistance—

17                                    (i) for purchasing, constructing, improving, repairing, or  
 18                                    maintaining a dwelling; or

19                                    (ii) secured by residential real estate.

20                    (25) Respondent shall mean the person or other entity accused in a  
 21                    complaint of a violation under this Division.

22            [(21)] (26) Sexual Orientation shall include, but is not limited to, the preference  
 23            or practice of an individual as to homosexuality, heterosexuality, or bisexuality, or  
 24            being regarded or identified as having such a preference.

25            [(22)] (27) Solicit shall mean to request, invite, or induce, for monetary gain, by  
 26            the following means:

27                            (A) Going in or upon the property of the person to be solicited except when  
 28                            invited by such person;

29                            (B) Contacting the person to be solicited by any means, to include but not  
 30                            limited to, telephone, text, social media, or messenger service, except when requested  
 31                            by such person;

1 (C) Distributing handbills, circulars, or other advertising matter on private  
2 property or private vehicles, except as requested by owners of such property or  
3 vehicles.

4 Solicitation does not include advertising in bona fide newspapers, magazines, radio,  
5 television, internet sites, or telephone directories.

6 [(23)] (28) Source of income means any lawful verifiable source of money paid  
7 directly or indirectly to a renter or a buyer of a housing unit, including:

8 (A) Income received through any lawful profession or occupation, including  
9 but not limited to, bank statement, official government issued letters, pay stub or  
10 letter from an employer;

11 (B) Federal, state, or local government assistance including housing vouchers,  
12 medical assistance subsidies, rental assistance, and rent supplements as issued under  
13 the United States Housing Act of 1937;

14 (C) Any inheritance, pension, annuity, alimony, child support, trust, or  
15 investment accounts;

16 (D) Any gift verified by a letter or other means but, unless it is recurring  
17 throughout a tenancy, the gift may support one-time expenses only, such as a security  
18 deposit or pet fee; and

19 (E) Any sale or pledge of property if the sale or pledge will result in proceeds  
20 inuring to the recipient's benefit within sixty days of the application to rent a housing  
21 unit, purchase a housing unit, or purchase an interest in a housing unit.

22 [(24)] (29) Wrongful practice shall mean an act for which the Commission  
23 shall have the power to issue Cease and Desist Orders and enforce through the Court.  
24 It shall not constitute a misdemeanor or a prohibited act as defined by Section 1-123  
25 of this Code.

26 \* \* \* \* \*

27 **Sec. 2-191. Agency reports; content.**

28 The Agency shall make an annual report to the County Executive and the Council on or  
29 before October 1 of each year, outlining its activities during the preceding fiscal year. The report  
30 shall include statistics indicating the number and type of complaints filed and the disposition of  
31 complaints. The report shall include data on race and ethnic characteristics of those who have

1 filed a complaint under housing and residential real estate. The report shall also include  
 2 affirmative action or programs undertaken during the year for the betterment of human relations  
 3 and any other matters relevant to the authorized activities of the Agency, including  
 4 recommendations for legislative or administrative action to further the purposes and policies  
 5 established by this Division. The report shall be made public by the County Executive.

6 \* \* \* \* \*

7 **SUBTITLE 2. ADMINISTRATION.**

8 **DIVISION 12. OFFICE OF HUMAN RIGHTS.**

9 **SUBDIVISION 4. INVESTIGATIVE PROCEDURES.**

10 **Sec. 2-201. Initiation of investigation.**

11 Except in cases of discrimination in housing and residential real estate and harassment  
 12 against an employer, an Agency investigation into a suspected violation by any person of the  
 13 provisions of this Division may be initiated no later than one hundred eighty (180) days after the  
 14 date of the alleged violation by filing with the Executive Director, upon a form to be provided by  
 15 the Agency, a signed statement setting forth the suspected violation. In cases of discrimination in  
 16 housing[,]: within ten (10) days the Agency shall serve the respondent a notice identifying the  
 17 alleged discriminatory housing practice and advising such respondent of the procedural rights  
 18 and obligations; the respondent may file, not later than ten (10) days after receipt of notice from  
 19 the Agency, an answer to such complaint; and the investigation shall be initiated before the end  
 20 of the thirtieth (30th) day after the receipt of the statement setting forth the alleged  
 21 discriminatory housing practice that has occurred or that the complainant believes is about to  
 22 occur. A statement alleging discriminatory housing practices must be filed no later than [three  
 23 hundred sixty (360) days] one year after the date of the alleged violation. A statement alleging  
 24 harassment against an employer shall be filed no later than two (2) years after the date of the  
 25 alleged violation. In all cases, the statement shall contain the name and address of the  
 26 complainant and the respondent and such other information as may be required by the Agency.  
 27 In cases alleging discriminatory housing practices, the Agency shall complete the investigation  
 28 within one hundred (100) days after receipt of the complaint, unless it is impracticable to do so.  
 29 Should the Agency be unable to complete the investigation within one hundred (100) days, it  
 30 shall notify the complainant and respondent in writing of the reasons for not doing so. The  
 31 Agency shall make final administrative disposition of a complaint within one (1) year of the date  
 32 of receipt of a complaint, unless it is impracticable to do so. In such case, the Agency must notify

1 the complainant and respondent in writing of its reasons.

2 **Sec. 2-202. Investigation of complaint; dismissal.**

3 (a) The Agency shall promptly investigate each charge filed with it, which may  
 4 include a mutual settlement agreement through mediation. If, after the investigation of the  
 5 charge, the Executive Director, based on a preponderance of evidence, determines [believes]  
 6 that no violation of this Division has occurred, the Director may dismiss the charge. Any  
 7 complainant adversely affected by the dismissal may appeal administratively to the  
 8 Commission, no later than fifteen (15) days after the date of dismissal by the Executive  
 9 Director, who may take such action as s/he deems appropriate.

10 (b) In cases alleging discrimination in housing, at the end of each investigation, the  
 11 Executive Director shall prepare a final investigative report containing:

12 (1) The names and dates of contacts with witnesses;

13 (2) A summary and the dates of correspondence and other contacts with  
 14 the complainant and the respondent;

15 (3) A summary description of other pertinent records;

16 (4) A summary of witness statements; and

17 (5) Answers to interrogatories.

18 **Sec. 2-203. Conciliation procedure.**

19 (a) If, after an investigation of the complaint, the Executive Director has reasonable  
 20 cause to believe that a violation of this Division has occurred, within twenty (20) days after the  
 21 determination is made, the Executive Director shall attempt to conciliate the matter. If the parties  
 22 to the complaint have agreed to a resolution of the complaint by way of conciliation, the terms of  
 23 the resolution shall be set forth in a written consent agreement. The consent agreement shall not  
 24 constitute an admission of the violation of any law.

25 (b) Any written consent agreement, if approved by a majority vote of the full body of  
 26 Commissioners, shall be incorporated into an order of the Commission. If either the respondent  
 27 or the complainant fails to comply with any obligation or requirement which forms part of any  
 28 such order, the order shall be enforced in the same manner as any other order of the Commission.

29 (c) Except in cases alleging discrimination in housing, if the complainant refuses to  
 30 accept an offer by the respondent which, in the judgment of the Executive Director, is a  
 31 reasonable, good faith offer, the Executive Director may dismiss the complaint for failure to



1 make a good faith conciliation attempt. Any complainant adversely affected by the dismissal  
2 may, no later than fifteen (15) days after the date of dismissal, appeal to the Commission, which  
3 shall either approve the dismissal or order a hearing on the merits.

4 (d) In cases alleging discrimination in housing, the Executive Director shall advise  
5 the complainant of reasonable, good faith conciliation attempts, but may not dismiss the  
6 complaint because of the complainant's failure to accept a conciliation agreement.

7 (e) In cases alleging discrimination in housing, any conciliation agreement shall be  
8 made public unless the complainant and respondent otherwise agree, and the Executive Director  
9 determines that disclosure is not required to further the purposes of this Division.

10 (f) In cases alleging discrimination in housing, any conciliation agreement may  
11 provide for binding arbitration of the dispute arising from the complaint. Any such arbitration  
12 that results from a conciliation agreement may award appropriate relief, including monetary  
13 relief.

14 \* \* \* \* \*

15 **SUBTITLE 2. ADMINISTRATION.**

16 **DIVISION 12. OFFICE OF HUMAN RIGHTS.**

17 **SUBDIVISION 5. PROHIBITED ACTS IN HOUSING AND RESIDENTIAL REAL ESTATE.**

18 **Sec. 2-210. Sale or rental of housing; exception.**

19 (a) No person, whether acting for monetary gain or not, shall:

20 (1) Refuse to sell, lease, sublease, rent, assign, or otherwise transfer; or  
21 refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of  
22 the title, leasehold, or other interest in any housing; or represent that housing is not  
23 available for inspection, sale, lease, sublease, rental, assignment, or other transfer  
24 when in fact it is so available; or otherwise make housing unavailable, deny, or  
25 withhold any housing from any person because of race, religion, color, sex, national  
26 origin, age (except as required by State or Federal law), occupation, marital status,  
27 political opinion, personal appearance, sexual orientation, disability, familial status,  
28 gender identity, immigration status, citizenship status, or source of income;

29 (2) Deny any person access to, or membership or participation in, any  
30 multiple listing service, real estate brokers' organization, or other service,  
31 organization, or facility relating to the business of selling or renting housing, or to  
32 discriminate against any person in the terms or conditions of such access,

1 membership, or participation, or in the selling, brokering, or appraisal of residential  
2 real estate on account of race, religion, color, sex, national origin, age (except as  
3 required by State or Federal law), occupation, marital status, political opinion,  
4 personal appearance, sexual orientation, disability, familial status, gender identity,  
5 immigration status, citizenship status, or source of income;

6 (3) Include in the terms, conditions, or privileges of any sale, lease,  
7 sublease, rental, assignment, or other transfer of any housing, any clause, condition,  
8 or restriction discriminating against any person in the use or occupancy of such  
9 housing because of race, religion, color, sex, national origin, age (except as required  
10 by State or Federal law), occupation, marital status, political opinion, personal  
11 appearance, sexual orientation, disability, familial status, gender identity, immigration  
12 status, citizenship status, or source of income;

13 (4) Discriminate in the furnishings of any facilities, repairs, improvements,  
14 or services, or in the terms, conditions, privileges, or tenure of occupancy of any  
15 person because of race, religion, color, sex, national origin, age (except as required by  
16 State or Federal law), occupation, marital status, political opinion, personal  
17 appearance, sexual orientation, disability, familial status, gender identity, immigration  
18 status, citizenship status, or source of income;

19 (5) Make, p[P]rint or publish, or cause to be made, printed or published,  
20 any notice, statement, listing or advertisement, or to announce a policy, or use any  
21 form of application for purchase, lease, rental, or financing of any housing indicating  
22 any preference, limitation, or specification based upon race, religion, color, sex,  
23 national origin, age, occupation, marital status, political opinion, personal appearance,  
24 sexual orientation, disability, familial status, gender identity, immigration status,  
25 citizenship status, or source of income;

26 (6) Induce or attempt to induce any person to sell or rent or list for sale,  
27 rent, lease, or otherwise dispose of any housing or interest in real property by  
28 representations regarding the entry or prospective entry into the neighborhood of a  
29 person or persons of a particular race, color, religion, sex, national origin, age (except  
30 as required by State or Federal law), occupation, marital status, political opinion,  
31 personal appearance, sexual orientation, disability, familial status, gender identity,

1 immigration status, citizenship status, source of income;

2 (7) Discriminate in the sale or rental, or otherwise make unavailable or  
3 deny, housing to any buyer or renter because of a disability of:

4 (A) The buyer or renter;

5 (B) A person residing in, or intending to reside in, the housing after it  
6 is sold, rented, or made available; or

7 (C) Any person associated with the buyer or renter.

8 (8) Discriminate against any person in terms, conditions, or privileges of  
9 sale or rental of housing, or in the provisions of services or facilities in connection  
10 with such housing, because of a disability of:

11 (A) The person; or

12 (B) A person residing in, or intending to reside in, the housing after it  
13 is so sold, rented, or made available; or

14 (C) Any person associated with the person.

15 (9) For purposes of Subsections (7) and (8), above, discrimination  
16 includes:

17 (A) A refusal to permit, at the expense of the person with a disability,  
18 reasonable modifications of existing premises occupied or to be occupied by such  
19 person if such modifications may be necessary to afford such person full  
20 enjoyment of the premises, except that, in the case of rental, the landlord may,  
21 where it is reasonable to do so, condition permission for a modification on the  
22 renter agreeing to restore the interior of the premises to the condition that existed  
23 before the modification, reasonable wear and tear excepted;

24 (B) A refusal to make reasonable accommodations in rules, policies,  
25 practices, or services, when such accommodations may be necessary to afford  
26 such person equal opportunity to use and enjoy housing;

27 (C) A failure to design and construct a covered multifamily dwelling  
28 in accordance with the Building Code with regard to accessibility by a person  
29 with a disability pursuant to the most current revision of the American National  
30 Standard for Buildings and Facilities Providing Accessibility and Usability for  
31 Physically Handicapped people (commonly cited as ANSI A117.1).

1 (10) Discriminate by inquiring about immigration status or citizenship status  
 2 in connection with the sale, lease, sublease, assignment, or other transfer of a housing  
 3 unit, unless to comply with a federal or state law or a court order.

4 (11) Discriminate by requiring documentation, information, or other proof  
 5 of immigration status or citizenship status, unless to comply with a federal or state  
 6 law or a court order.

7 (12) Discriminate in the sale, lease, sublease, assignment, or other transfer  
 8 of a housing unit by requiring proof of immigration status or citizenship status, such  
 9 as a social security number, without providing an alternative that does not reveal  
 10 immigration status or citizenship status, such as an individual taxpayer identification  
 11 number.

12 (13) Discriminate by disclosing, reporting, or threatening to disclose or  
 13 report immigration status or citizenship status to anyone, including an immigration  
 14 authority, law enforcement agency, or local, state, or federal agency, for the purpose  
 15 of inducing a person to vacate the housing unit or for the purpose of retaliating  
 16 against a person for the filing of a claim or complaint.

17 (14) Discriminate by evicting a person from a housing unit or by otherwise  
 18 attempting to obtain possession of a housing unit because of the person's immigration  
 19 status or citizenship status unless the remedy is sought to comply with a federal or  
 20 state law or a court order.

21 (15) Nothing in this Subsection requires that housing be made available to  
 22 an individual whose tenancy would constitute a direct threat to the health or safety of  
 23 other individuals or whose tenancy would result in substantial physical damage to the  
 24 property of others.

25 (b) Discrimination based on age or familial status as defined in Section 2-186 shall  
 26 not be wrongful with regard to housing operated in connection with any retirement or senior  
 27 citizen home or housing which is:

28 (1) Provided under any Federal or State program that the Executive Director  
 29 determines, as consistent with the U.S. Department of Housing and Urban Development,  
 30 is specifically designed and operated to assist elderly persons;

31 (2) Intended for, and solely occupied by, persons sixty-two (62) years of age or

1 older; or

2 (3) Intended and operated for occupancy by at least one person fifty-five (55)  
3 years of age or older per unit, provided that the housing satisfies the requirements of Title  
4 24, Code of Federal Regulations, Section 100:304.

5 (c) Discrimination shall not be wrongful with regard to any single-family house sold  
6 or rented by an owner if: that such private individual owner does not own more than three such  
7 single-family houses at any one time; in the case of the sale of any such single-family house by a  
8 private individual owner not residing in such house at the time of such sale or who was not the  
9 most recent resident of such house prior to such sale, the exemption granted by this subsection  
10 shall apply only with respect to one such sale within any twenty-four month period; and if such  
11 bona fide private individual owner does not own any interest in, nor is there owned or reserved  
12 on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of  
13 the proceeds from the sale or rental of, more than three such single-family houses at any one  
14 time.

15 [c](d) Discrimination shall not be wrongful with regard to the leasing of a room(s) or  
16 apartment(s) in an owner-occupied dwelling consisting of not more than three (3) rental units  
17 except as specified in (a)[(4)](5) of this Section.

18 [d](e) No person shall coerce, intimidate, threaten, or interfere with any person in the  
19 exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on  
20 account of that person having aided or encouraged any other person in the exercise or enjoyment  
21 of, any right granted or protected by this Division.

22 [e](f) Nothing in this Division shall prohibit a religious organization, association, or  
23 society, or any nonprofit institution or organization operated, supervised, or controlled by or in  
24 conjunction with a religious organization, association, or society, from limiting the sale, rental,  
25 or occupancy of housing which it owns or operates, for other than commercial purposes, to  
26 persons of the same religion, or from giving preference to such persons, unless membership in  
27 such religion is restricted on account of race, color, sex, national origin, age (except as required  
28 by State or Federal law), occupation, marital status, political opinion, personal appearance,  
29 sexual orientation, disability, familial status, gender identity, immigration status, citizenship  
30 status, or source of income. Nor shall anything in this subdivision prohibit a private club not in  
31 fact open to the public, which as an incident to its primary purpose or purposes provides lodgings

1 which it owns or operates for other than a commercial purpose, from limiting the rental or  
 2 occupancy of such lodgings to its members or from giving preference to its members.

3 (g) Nothing in this subdivision limits the applicability of any reasonable local, State,  
 4 or Federal restrictions regarding the maximum number of occupants permitted to occupy a  
 5 dwelling.

6 **Sec. 2-211. - [Housing loans; exception.] Discrimination in Housing and Residential Real**  
 7 **Estate-Related Transactions**

8 (a) It shall be unlawful for any person or other entity whose business includes  
 9 engaging in residential real estate-related transactions to discriminate against any person in  
 10 making available such a transaction, or in the terms or conditions of such a transaction because  
 11 of discrimination as enumerated in Section 2-210(a)(1).

12 [a](b) No lending institution shall discriminate in lending money, guaranteeing loans,  
 13 purchasing loans, accepting a deed of trust or mortgage, or otherwise making available funds for  
 14 the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of any  
 15 housing. No lending institution shall discriminate in the fixing of the rates, terms, conditions, or  
 16 provisions of any such financial assistance or impose different conditions on any such financing,  
 17 refuse to provide title or other insurance, in the extension of service in connection therewith  
 18 because of discrimination as enumerated in Section 2-210(a)(1).

19 (c) No person shall induce, directly or indirectly, any person to acquire or transfer an  
 20 interest in real property which is used for the purpose of housing, by any statement regarding the  
 21 existence or proximity of other real property which is or may become owned, leased, used, or  
 22 occupied by any person of categories enumerated in Section 2-210(a)(1).

23 [b](d) Nothing contained in this Section shall prohibit any lending institution from  
 24 basing its actions on the income and financial abilities of any individual.

25 (e) Appraisal Exemption—Nothing in this Section prohibits a person engaged in the  
 26 business of furnishing appraisals of real property to take into consideration factors other than any  
 27 categories enumerated in Section 2-210(a)(1).

28 **Sec. 2-211.01. – Reserved. [Financing.]**

29 [It shall be a wrongful practice in Prince George's County for any lending institution as  
 30 defined in Section 2-186 of this Code to refuse to lend money, purchase a loan, guarantee a loan,  
 31 or otherwise to make funds available for the purchase, acquisition, construction, alteration,

1 rehabilitation, repair or maintenance of real property, or for any other purpose, or to impose  
2 different conditions on any such financing or refuse to provide title or other insurance because of  
3 discrimination as defined in Section 2-186 of this Code.]

4 **Sec. 2-212. – Reserved. [Transfer induced by discriminatory statement.]**

5 [No person shall induce, directly or indirectly, any person to acquire or transfer an interest  
6 in real property which is used for the purpose of housing, by any statement regarding the  
7 existence or proximity of other real property which is or may become owned, leased, used, or  
8 occupied by any person of categories enumerated in Section 2-186(a)(3).]

9 **Sec. 2-213. – Reserved. [Listing property induced by discriminatory statement.]**

10 [No person shall induce, directly or indirectly, any present or prospective owner, occupant,  
11 or tenant of any real property which is used for housing to list for sale, sell, remove from a listing  
12 for sale, lease, assign, transfer, or otherwise dispose of any interest in real property which is used  
13 for purposes of housing, or to purchase, lease, or otherwise acquire any interest in real property  
14 used for the purpose of housing, by any statements, oral or written, concerning persons by  
15 categories enumerated in Section 2-186(a)(3), of the actual or prospective owner, tenants, or  
16 purchasers of any interest in real property in the vicinity thereof, which is used or may be used  
17 for purposes of housing.]

18 **Sec. 2-214. - Discriminatory statements prohibited.**

19 No person shall make, counsel, or cause to be made any false, reckless, or intentionally  
20 misleading statements, whether oral or written, about a change in the personal circumstances  
21 enumerated in Section 2-[186(a)(3)]210(a)(1) of the occupants of any housing in a community or  
22 neighborhood, which statements are made or committed in order to obtain a listing of any real  
23 property for sale, rental, assignment, transfer, or other disposition.

24 \* \* \* \* \*

25 **Sec. 2-217. - Enumeration of prohibited discriminatory statements.**

26 (a) No person, for profit, shall induce, directly or indirectly, the sale or listing for sale  
27 of any interest in real property which is used for housing by any statement, either oral or written,  
28 that the presence, anticipated presence, ownership, or tenancy of property by persons of the  
29 circumstances enumerated in Section 2-[186(a)(3)]210(a)(1) may result in:

- 30 (1) The reduction of property values;
- 31 (2) A future change in the composition of the residents of a neighborhood

with respect to circumstances enumerated in Section 2-[186(a)(3)]210(a)(1);

(3) An increase in criminal or other antisocial behavior in the neighborhood wherein the property is located;

(4) A decline in quality of schools, churches, business establishments, or any other service provided the neighborhood.

**Sec. 2-218. – Solicitation of real estate dealings.**

No person shall solicit the sale or purchase of real estate, as defined by Section 2-186(a)[(16)](27), where such soliciting is of residential single-family units, unless such solicitation is limited to random and isolated inquiries not of a systematic design to cover a substantial section of any neighborhood for individual listings of property for sale.

\* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George’s County, Maryland that Sections, 2-203.1, 2-203.2, 2-203.3 and 2-303.4 of the Prince George’s County Code be and the same are hereby added:

**SUBTITLE 2. ADMINISTRATION.**

**DIVISION 12. [HUMAN RELATIONS COMMISSION]OFFICE OF HUMAN RIGHTS.**

**SUBDIVISION 4. INVESTIGATIVE PROCEDURES.**

**Sec. 2-203.1 Election of Judicial Determination.**

In cases alleging housing discrimination, when the Executive Director determines reasonable cause, a complainant or a respondent may elect to have the asserted claims decided in a civil action under Subdivision 5 of this Division in lieu of a hearing. The election must be made not later than 20 days after the receipt of the electing person of service or in the case of the Executive Director, not later than 20 days after such service. The person making such election shall give notice of doing so to the Executive Director and to all other complainants and respondents to whom the charge relates.

**Sec. 2-203.2 Commission Hearing in Absence of Election.**

For purposes of cases alleging housing discrimination, if an election is not made under Section 2-203.1, the Executive Director shall follow the procedure in Section 2-204 of this Division for a hearing on the record with respect to the charge(s).

**Sec. 2-203.3 Civil Action for Enforcement When Election is Made for Such Civil Action.**

(a) If an election is made under Section 2-203.1, the Executive Director shall



1 authorize, and not later than 30 days after the election is made, the Prince George's County  
2 Office of Law shall commence and maintain a civil action on behalf of the aggrieved person in  
3 the Circuit Court seeking relief.

4 (b) Any aggrieved person with respect to the issues to be determined in a civil action  
5 may intervene as of right in that civil action.

6 (c) In a civil action under this Section, if the court finds that a discriminatory housing  
7 practice has occurred or is about to occur, the court may grant as relief any actual or punitive  
8 damages which a court could grant with respect to such discriminatory housing practice in a civil  
9 action under Division 12 of the Prince George's County Code, Title 20 Subtitle 7 of the  
10 Maryland Annotated Code, and the Federal Housing Act. Any relief so granted that would  
11 accrue to an aggrieved person in a civil action commenced by that aggrieved person under  
12 Division 12 of the Prince George's County Code, Title 20 Subtitle 7 of the Maryland Annotated  
13 Code, and the Federal Housing Act shall also accrue to that aggrieved person in a civil action  
14 under this Section. If monetary relief is sought for the benefit of an aggrieved person who does  
15 not intervene in the civil action, the court shall not award such relief if that aggrieved person has  
16 not complied with discovery orders entered by the court.

17 (d) Attorney's Fees. In any administrative proceeding brought under this Section, or  
18 any court proceeding arising therefrom, or any civil action under 42 U.S.C. 3612, the court, as  
19 the case may be in its discretion, may allow the prevailing party, other than the Prince George's  
20 County government, a reasonable attorney's fee and costs.

#### 21 **Sec. 2-203.4 Conflict of Provisions**

22 Section 1-114 of the Prince George's County Code provides:

23 (a) If any conflict exists between Subtitles, Divisions, Subdivisions, or Sections of  
24 this Code, the provisions of each Subtitle, Division, Subdivision, or Section shall prevail as to all  
25 matters and questions growing out of the subject matter of that Subtitle, Division, Subdivision, or  
26 Section.

27 (b) If clearly conflicting provisions are found in different Sections of the same  
28 Subtitle, the provisions of the Section last enacted shall prevail unless the construction is  
29 inconsistent with the meaning of that Subtitle.

30 (c) Where any conflict exists between a Subtitle, Division, Subdivision, or Section of  
31 this Code and any Subtitle or Section of the Charter or State law, the latter shall prevail.

1 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
2 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
3 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
4 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
5 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
6 Act, since the same would have been enacted without the incorporation in this Act of any such  
7 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
8 or section.

9 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
10 calendar days after it becomes law.

Adopted this 16<sup>th</sup> day of November, 2021.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

\* \* \* \* \*