

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2021 Legislative Session**

Bill No. CB-12-2021

Chapter No. 6

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

Introduced by Council Members Hawkins, Streeter, Turner, Davis, Franklin, Glaros,  
Dernoga and Taveras

Date of Introduction March 30, 2021

**BILL**

1 AN ACT concerning the

2 Human Relations Commission

3 For the purpose of amending the name of the Human Relations Commission to provide clarity to  
4 citizens and other governmental agencies as to the mission and function of the agency,  
5 modifying language to increase inclusion and diversity, adding gender identity as a protected  
6 class, and clarifying roles and authority of the Human Relations Commission and the appointed  
7 Commissioners.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 2. ADMINISTRATION.

10 Sections 2-130, 2-185, 2-186, 2-187, 2-189, 2-190, 2-  
11 191, 2-192, 2-193, 2-194, 2-195, 2-196, 2-197, 2-198,  
12 2-199, 2-201, 2-202, 2-203, 2-204, 2-205, 2-207, 2-  
13 208, 2-209, 2-210, 2-220, 2-227, 2-229, 2-230, 2-231,  
14 2-294, 2-513, 2-518, 2-518.01

15 The Prince George's County Code  
16 (2019 Edition, 2020 Supplement).

17 BY repealing and reenacting with amendments:

18 SUBTITLE 5. BUSINESSES AND LICENSES.

19 Sections 5-168 and 5-171.01  
20 The Prince George's County Code  
21 (2019 Edition; 2020 Supplement).

1 BY repealing and reenacting with amendments:

2 SUBTITLE 10A. PURCHASING.

3 Section 10A-122

4 The Prince George's County Code

5 (2019 Edition; 2020 Supplement).

6 BY repealing and reenacting with amendments:

7 SUBTITLE 13. HOUSING AND PROPERTY

8 STANDARDS.

9 Sections 13-162.00.03 and 13-162.00.04

10 The Prince George's County Code

11 (2019 Edition; 2020 Supplement).

12 BY repealing and reenacting with amendments:

13 SUBTITLE 14. MORALS AND CONDUCT.

14 Section 14-194

15 The Prince George's County Code

16 (2019 Edition; 2020 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
18 Maryland, that Sections 2-130, 2-185, 2-186, 2-187, 2-189, 2-190, 2-191, 2-192, 2-193, 2-194, 2-  
19 195, 2-196, 2-197, 2-198, 2-199, 2-201, 2-202, 2-203, 2-204, 2-205, 2-207, 2-208, 2-209, 2-210,  
20 2-220, 2-227, 2-229, 2-230, 2-231, 2-294, 2-513, 2-518, 2-518.01, 5-168, 5-171.01, 10A-122,  
21 13-162.00.03, 13-162.00.04, and 14-194 of the Prince George's County Code be and the same  
22 are hereby repealed and reenacted with the following amendments:

23 **SUBTITLE 2. ADMINISTRATION.**

24 **DIVISION 6. COMMISSION FOR WOMEN**

25 **Sec. 2-130. Commission for Women; composition; terms; vacancies.**

26 (a) It There is established a Commission for Women. The Commission shall consist  
27 of eleven (11) members appointed by the County Executive subject to confirmation by the  
28 Council. Membership shall consist of eleven (11) men and women who represent a wide cross-  
29 section of the citizenry of Prince George's County to include people of diverse economic, ethnic  
30 and vocational backgrounds and to include representatives from organized women's rights  
31 groups. Appointees shall be chosen from among the best qualified applicants obtained through

1 Countywide recruitment. Consideration shall be given to their knowledge, experience,  
 2 commitment to and interest in women's issues. The Commission shall elect one (1) of its  
 3 members as Chairperson and another as Vice Chairperson, each to serve at the pleasure of the  
 4 Commission, and such other officers as it shall determine. Representatives of the [Human  
 5 Relations Commission] Office of Human Rights, the Board of Education, the Department of  
 6 Health, and the Department of Social Services shall serve as nonvoting members of the  
 7 Commission.

## 8 9 **SUBTITLE 2. ADMINISTRATION.**

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

#### 11 **SUBDIVISION 1. GENERAL PROVISIONS.**

#### 12 **Sec. 2-185. [Human Relations Commission] Office of Human Rights; purpose.**

13 (b) It shall be a function of the County government to foster and encourage the  
 14 growth and development of the County in such a manner that all persons shall have an equal  
 15 opportunity to pursue their lives free of discrimination imposed because of race, religion, color,  
 16 sex, national origin, age, occupation, marital status, political opinion, personal appearance,  
 17 sexual orientation, [physical or mental handicap] disability, [or ]familial status, or gender  
 18 identity. Discriminatory practices based upon the foregoing criteria are declared to be contrary to  
 19 the public policy of the County.

20 (c) The County government shall direct its efforts and resources toward eliminating  
 21 discriminatory practices within the County in the areas of housing and residential real estate,  
 22 employment, law enforcement, education, public accommodations, and commercial real estate[,  
 23 and any other facets of the lives of its citizens] where such practices may be found to exist.

24 (d) It is intended that the prohibitions in this Division are substantially similar, but  
 25 not necessarily identical, to prohibitions in [f]Federal and State law. The intent is to assure that a  
 26 complaint filed under this Division may proceed more promptly than possible under either  
 27 [f]Federal or State law. It is not County policy, however, to create a duplicative or cumulative  
 28 process to those existing under similar or identical [f]Federal or State laws. Once a complaint is  
 29 fully adjudicated under a similar or identical [f]Federal or State law, the complaint should not be  
 30 reprocessed under this Division if the effect is duplicative or cumulative.

#### 31 **Sec. 2-186. Definitions.**

1 (a) As used in this Division:

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

6 (2) [Commission shall mean the Human Relations Commission.]  
 7 Complainant shall mean the person alleging a violation under this Division.

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

16 (4) Dwelling shall mean any building or structure, or portion thereof which  
 17 is designed, intended, or arranged for use or occupancy as a home, residence, or  
 18 sleeping place of one (1) or more individuals.

19 (5) Employer shall mean any person engaged in [commerce, industry,  
 20 agriculture, or a lawful profession]legal industry affecting commerce, who [for  
 21 compensation] has hired or contracted for the services of one (1) or more employees[,  
 22 for a total of forty (40) or more hours in the current or preceding calendar year],  
 23 [and]or an agent of such person. Employer [does] includes the [County of ] Prince  
 24 George's County Government. [to the extent provided in this Division.]

25 (6) Employment agency shall mean any person regularly undertaking with  
 26 or without compensation to procure employees for an employer or to procure for  
 27 employees opportunities to work for an employer and includes an agent of such a  
 28 person, but shall not include any agency of the Federal or State governments.

29 (7) Executive Director shall mean a person appointed by the County  
 30 Executive to supervise the [staff] Agency and advise and assist the Human  
 31 [Relations] Rights Commission in its functions, and who shall serve at the pleasure of

1 the County Executive

2 [(7.1)](8) Familial status shall mean one or more individuals, [(]who have  
3 not attained the age of eighteen (18) years], being domiciled with a parent or  
4 another person having legal custody of such individual or individuals; or the designee  
5 of such parent or other person having such custody, with the written permission of  
6 such parent or other person. The protections afforded against discrimination on the  
7 basis of familial status shall be extended to any person who is pregnant or is in the  
8 process of securing legal custody of any individual who has not attained the age of 18  
9 years.

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

14 [8](10) Housing shall mean any dwelling for the use of one (1) or more  
15 individuals, groups or families, any mobile home site, and any land offered for sale or  
16 lease for the construction of such dwelling, building, structure, or mobile home site.

17 [9](11) Informal hearing shall mean any inquiry, forum, investigation, or  
18 meeting at which compulsory processes are not invoked and a record is not prepared  
19 for the purpose of providing the basis of the Commission's compulsory processes.  
20 Informal hearings are not required to be open to public or press.

21 [10](12) Labor organization shall mean a person or organization which exists  
22 for the purpose, in whole or in part, of dealing with employers concerning grievances,  
23 labor disputes, wages, rates of pay, hours, or other terms or conditions of  
24 employment, and any conference, general committee, joint or system board, or joint  
25 council so engaged which is subordinate to a national or international labor  
26 organization.

27 [11](13) Lending Institution shall mean any bank, insurance company, savings  
28 and loan association, or any other person or organization regularly engaged in the  
29 business of lending money or guaranteeing loans within the County.

30 [12](14) Occupation shall keep its common meaning. In addition, under this  
31 Division it shall mean [the]a principal lawful activity[ of one's life]. Persons to be

1 protected include, but are not limited to students, [welfare ]recipients of government  
 2 assistance, retired persons, or [physically or mentally handicapped ]persons with  
 3 disabilities as defined in this Division, and any persons irrespective of income, who  
 4 are denied the equal protection of the laws.

5 (15) Office of Human Rights staff shall be referred to as “the Agency”; the  
 6 Commissioners of the Office of Human Rights, as defined by Section 2-187(a) shall  
 7 be referred to as “the Commission” or “Human Rights Commission.”

8 [13](16) Person shall include one (1) or more individuals, labor unions,  
 9 partnerships, associations, corporations, legal representatives, mutual companies, joint  
 10 stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy,  
 11 agents, or receivers.

12 [14](17) Personal appearance shall mean the outward appearance of any person  
 13 irrespective of sex, with regard to bodily condition or characteristics, manner or style  
 14 of dress, and manner or style of personal grooming, including, but not limited to hair  
 15 style[,] or beards[, or manner of dress]. It shall not relate, however, to the requirement  
 16 of cleanliness, uniforms, or prescribed attire when uniformly applied for admittance to  
 17 a public accommodation or a class of employees for a customary or reasonable  
 18 business.

19 [14.1](18) [Physical or mental handicap] Disability shall mean a[n] physical or  
 20 mental impairment which substantially limits one or more of [such]a person's major  
 21 life activities, [or] a record of having such an impairment, or being regarded as having  
 22 such an impairment, [, which shall include, but not be limited to, any degree of  
 23 paralysis, amputation, lack of physical coordination, blindness or visual impairment,  
 24 deafness or hearing impairment, muteness or speech impediment, or physical reliance  
 25 on a seeing eye dog, wheelchair, or other remedial appliance or device; and any mental  
 26 impairment or deficiency such as, but not limited to, retardation or such other condition  
 27 which may have necessitated remedial or special education and related services; but  
 28 such term does not include current, illegal use of, or addiction to, a controlled  
 29 dangerous substance as defined by Maryland law.]

30 [14.2](19) Place of public accommodation shall include, but not be limited to,  
 31 any wholesale or retail store, inn, hotel, motel, or other establishment which provides

1 lodging to transient persons; or any restaurant, cafeteria, lunch room, lunch counter,  
 2 soda fountain, or other facility at which food or alcoholic beverages are sold for  
 3 consumption on the premises; or any gasoline station, motion picture house, theatre,  
 4 concert hall, sports arena, stadium, or place of exhibition or entertainment.

5 [15](20) Political opinion shall mean the opinions of persons relating to  
 6 government, or the conduct of government; or related to political parties authorized to  
 7 participate in [primary ]elections in the State.

8 [15.1](21) Sexual Orientation shall include, but is not limited to, [mean]the  
 9 preference or practice of an individual as to [male or female ]homosexuality,  
 10 heterosexuality, or bisexuality, or being regarded or identified as having such a  
 11 preference.

12 [16] (22) Solicit shall mean to request, invite, or induce, for monetary gain, by  
 13 the following means:

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

16 (B) Contacting the person to be solicited by any means, to include  
 17 but not limited to, telephone, text, social media, [telegraph, ]or messenger  
 18 service, except when requested by such person;

19 (C) Distributing handbills, circulars, or other advertising matter on  
 20 private property or private vehicles, except as requested by owners of such  
 21 property or vehicles.

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

24 [17] (23) Source of income means any lawful verifiable source of money paid  
 25 directly or indirectly to a renter or a buyer of a housing unit, including:

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

29 (B) Federal, state, or local government assistance including housing  
 30 vouchers, medical assistance subsidies, rental assistance, and rent supplements  
 31 as issued under the United States Housing Act of 1937[.];

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

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

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

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

**SUBTITLE 2. ADMINISTRATION.**

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

**SUBDIVISION 2. ADMINISTRATIVE PROVISIONS.**

**Sec. 2-187. [Commission] [c]Composition of the Human Rights Commission; terms.**

(a) There is created a [Human Relations Commission] body of Commissioners of the Office of Human Rights composed of thirteen (13) members. The members shall be appointed by the County Executive and confirmed by the Council pursuant to the provisions of Section 322 of the Charter. Such members shall be broadly representative of the citizens of the County.

(b) Of the initial members of the Human [Relations] Rights Commission: four (4) members shall be appointed for terms to expire one (1) year after the effective date of this Act; four (4) members shall be appointed for two (2) years from the effective date of this Act; and five (5) members shall be appointed for three (3) years from the effective date of this Act. The County Executive shall designate one (1) member of the Commission to serve as [Chairman] Chairperson, subject to confirmation by the Council. Thereafter, the term of office for each member shall be three (3) years. A member appointed to fill a vacancy occurring prior to the expiration of the term for which one's predecessor was appointed shall be appointed in the same manner as prescribed in Section 2-187(a) and shall serve for the remainder of such term.

\* \* \* \* \*

1 **Sec. 2-189. Hearing Panels; subcommittees.**

2 (a) The Commission may establish special Hearing Panels consisting of at least three  
3 (3) members in Housing and Residential Real Estate, Employment, Law Enforcement,  
4 Education, Commercial Real Estate, and/or other areas as it deems necessary, operating under  
5 such rules as the Commission shall devise.

6 (b) Pursuant to the rules of the Commission, the [Chairman] Chairperson may also  
7 designate special subcommittees or may direct the [staff] Agency to make studies, inquiries, or  
8 investigations into particular matters which are within the jurisdiction of the Human Rights  
9 Commission.

10 **Sec. 2-190. Executive Director; budget.**

11 (a) The County Executive shall appoint an Executive Director. S/h[H]e shall  
12 supervise the operations of the [administrative staff] Agency and shall perform such other duties  
13 as are prescribed by the Commission.

14 (b) The proposed budget of the [Commission] Office of Human Rights shall be  
15 submitted to the County Executive [as part of the budget of the Office of Community Relations]  
16 in accordance with County budget procedures. Subject to the provisions of Article VIII of the  
17 Charter, it is authorized to expend funds derived from private grants, the State or the United  
18 States to carry out its functions and activities, and to cooperate with any agency of the State or  
19 the United States in carrying out its functions and activities.

20 **Sec. 2-191. [Commission] Agency reports; contents.**

21 (a) The [Commission] Agency shall make an annual report to the County Executive  
22 and the Council on or before October 1 of each year, outlining its activities during the preceding  
23 fiscal year. The report shall include statistics indicating the number and type of complaints filed  
24 and the disposition of the complaints. The report shall also include affirmative action or  
25 programs undertaken during the year for the betterment of human relations and any other matters  
26 relevant to the authorized activities of the [Commission] Agency, including recommendations for  
27 legislative or administrative action to further the purposes and policies established by this  
28 Division. The report shall be made public by the County Executive.

29 (b) The [Commission] Agency may be required by the County Executive or the  
30 Council to make such interim reports, including reports of investigations, as they may request.

31 **Sec. 2-192. Functions of the [Commission] Office of Human Rights.**

1 (a) The functions of the [Human Relations Commission] Agency shall be to:

2 (1) Eliminate discrimination as defined in Section 2-186 and wrongful practices  
3 as defined in Section 2-186.

4 (2) Eliminate infringements of the civil and human rights or civil liberties of all  
5 persons in the County.

6 (3) Investigate and, whenever necessary, [hold] certify for public hearings [on]  
7 any matter assigned by Executive Order and/or Council Resolution relating to human  
8 [relations] rights.

9 (4) Investigate, and whenever necessary, [hold] certify for public hearings [on]  
10 any matter wherein an allegation has been made that [an employee of a County agency,  
11 department, or board, has denied ]a person has been denied his or her civil or human  
12 rights, civil liberties, or has been adversely affected [that person ]in the areas of housing  
13 and residential real estate, employment, law enforcement, education, public  
14 accommodations, or commercial real estate.

15 (b) The functions of the Commission shall be to:

16 (1) Eliminate discrimination as defined in Section 2-186 and wrongful practices  
17 as defined in Section 2-186.

18 (2) Eliminate infringements of the civil and human rights or civil liberties of all  
19 persons in the County.

20 (3) Whenever necessary, hold public hearings on any matter certified by the  
21 Agency to the Commission.

22 (4) Initiate investigations by holding public hearings or initiate studies on any  
23 matter wherein an allegation has been made that a person has been denied his or her civil  
24 or human rights, civil liberties, or has been adversely affected in the areas of housing and  
25 residential real estate, employment, law enforcement, education, public accommodations,  
26 or commercial real estate.

27 **Sec. 2-193. Powers and duties of the [Commission] Office of Human Rights.**

28 (a) The [Commission] Agency shall have authority and power to make such surveys  
29 and studies concerning human [relations] and civil rights, conditions and problems as it may  
30 determine, and to promote in every way possible the betterment of human relations. In making  
31 such studies and surveys, the [Commission] Agency shall be authorized to expend any funds

1 which may be provided for in regular or supplementary appropriations. On the basis of such  
 2 studies or surveys, the [Commission] Agency shall recommend to the County Executive and/or  
 3 the Council additional legislation or changes in existing legislation as may be deemed  
 4 appropriate.

5 (b) Whenever any pattern and/or serious incident or incidents of discrimination arise,  
 6 the Commission may immediately hold an informal investigatory hearing. The purpose of the  
 7 hearing shall be to resolve the problem promptly by the gathering of all the facts from all  
 8 available sources and to make such recommendations as may be necessary.

9 (c) The [Commission] Agency shall, in writing, inform any person filing any charge  
 10 or complaint of the disposition of his or her complaint.

11 (d) Whenever [a Panel of ] the Commission [has received]receives reliable  
 12 information from any person[,] and, after proper investigation, [it is ] determine[d by the Panel]  
 13 that a violation of this Division has occurred, any member of the [Panel] Commission shall have  
 14 the authority, upon a majority vote of the full [Panel] body of the Commission, to initiate a  
 15 complaint in the name of [a Panel member] that Commissioner.

16 (e) If at any time after a complaint has been filed the [Commission] Agency  
 17 determines that appropriate civil action to preserve the status quo or to prevent such irreparable  
 18 harm is necessary, the [Commission] Agency may transmit the matter to the County Attorney for  
 19 necessary action to preserve such status quo or to prevent such irreparable harm, including, but  
 20 not limited to, temporary restraining orders and preliminary injunction.

## 21 **SUBTITLE 2. ADMINISTRATION.**

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

#### 23 **SUBDIVISION 3. ENFORCEMENT PROCEDURES.**

#### 24 **Sec. 2-194. Powers of [Commission] Human Rights Commission.**

25 (a) In the administration and enforcement of the provisions of these several  
 26 subdivisions, the Commission has power to administer oaths[,] and, upon majority vote of the  
 27 full body of the Commission, to issue subpoenas[,] for persons or documents during  
 28 investigations, to compel for the taking of interrogatories and depositions, and to compel for a  
 29 formal hearing the attendance for testimony of witnesses and the production of records and  
 30 documents relevant or necessary for proceedings under the particular subdivision[, and to compel  
 31 the taking of interrogatories and depositions].

32 (b) Service of subpoena. Any such subpoena shall be served by:

1 (1) Certified mail, return receipt requested (with service by certified mail being  
 2 complete upon delivery and proof being shown by the green return receipt card). Proof of  
 3 service shall be filed with the Clerk of the Commission; or

4 (2) Personal service of process by:

5 (A) A competent private person, eighteen (18) years of age or older,  
 6 who is not a party to the action; or

7 (B) The sheriff or deputy sheriff of the political subdivision in which  
 8 is located the residence of the person or the main office of the firm, association,  
 9 partnership or corporation against whom or which the subpoena is issued.

10 (c) Enforcement of subpoena.

11 (1) In case of failure to comply with a subpoena, the County, on behalf of the  
 12 Commission, may apply to a court of appropriate jurisdiction for an order requiring the  
 13 attendance and testimony of witnesses and/or the production of records and documents,  
 14 and/or the taking of interrogatories and depositions.

15 (2) After notice to the person subpoenaed as a witness or directed to produce  
 16 records and documents, and upon a finding that the attendance and testimony of the  
 17 witness or the production of the records and documents is relevant or necessary for the  
 18 proceedings of the Commission, the court may issue an order requiring the attendance  
 19 and testimony of the witness and the production of the records and documents. Any  
 20 failure to obey such an order of the court may be punished as contempt of court.

21 **Sec. 2-195. Cease and desist orders; contents.**

22 (a) If, upon all the evidence, the Commission by a majority vote of the full body of  
 23 Commissioners finds that the respondent has engaged in any discriminatory action or wrongful  
 24 practice within the scope of this Division, it shall so state its findings. The Commission shall  
 25 issue and cause to be served upon the respondent an order requiring the respondent to cease and  
 26 desist from the unlawful discriminatory action or prohibited practice and to take such affirmative  
 27 action as equity and justice may require and prospective relief as is necessary to effectuate the  
 28 purposes of the Division.

29 (b) Such order must be reasonably related to the violation[,] and may include a  
 30 requirement of reimbursement of actual expenses to the complainant arising out of the wrongful  
 31 conduct of the respondent, and in employment cases may include the awarding of back pay and

1 reimbursement of actual expenses caused by wrongful conduct of the respondent to a  
2 complainant employee.

3 **Sec. 2-195.01. Other Awards and Remedies.**

4 (a) In addition to the other awards and relief which are hereinafter provided, the  
5 Commission may, in accordance with the standards of proof set forth in Section 2-195, also  
6 make the following monetary orders determined by the Commission from the evidence of record  
7 as the actual damages, costs, or losses involved, or in such amounts as may be specified below:

8 (1) Should the complainant's personal property be damaged, the complainant  
9 may be awarded damages not exceeding any expenses actually incurred in repairing the  
10 damage or in replacing the property, if such replacement is found by the Commission to  
11 be necessary.

12 (2) If the complainant was required to incur travel expenses that would not have  
13 been incurred but for unlawful discriminatory acts or practices of the respondent, the  
14 complainant may be awarded damages not exceeding such expenses. The use of the  
15 complainant's automobile shall be compensated at the rate current at the time of the  
16 violation for County employees' use of a private automobile for official business.  
17 Expenses shall not be awarded to the extent that they have been reimbursed from another  
18 source.

19 (3) Damages may also be awarded to compensate complainant for humiliation  
20 and embarrassment suffered in an amount determined by the Commission to be  
21 appropriately and reasonably warranted considering all of the circumstances, but in no  
22 event shall the amount be in excess of Two Hundred Thousand Dollars (\$200,000.00).

23 (4) In the event an award of damages is made, the respondent [may] shall be  
24 ordered to pay to the complainant interest at the legal rate on the loss of the use of any  
25 monies arising from the act of discrimination, from the date of the Commission order.

26 (b) In addition to other awards and relief set forth above, the Commission may  
27 impose a civil fine up to Ten Thousand Dollars (\$10,000.00), in accordance with the standards of  
28 proof set forth in Section 2-195, on a respondent found to have violated any of the provisions of  
29 this Division. The [Commission] Agency may also negotiate and collect the payment of civil  
30 fines and assessments without holding a public hearing, as part of the conciliation procedure set  
31 forth in Section 2-203. The terms of the negotiated conciliation agreement between the

1 respondent and the Executive Director, shall be included in a written consent agreement, and if  
2 approved by a majority vote of the full body of Commissioners, [may] shall be incorporated into  
3 an order of the Commission, as set forth in Section 2-203.

4 **Sec. 2-196. Order dismissing complaint.**

5 If, upon all evidence, the Commission by majority vote of the full body of Commissioners  
6 finds that the respondent has not engaged in any such alleged discriminatory act within the scope  
7 of this Division, it shall state its findings of fact and shall similarly issue and file an order  
8 dismissing the complaint.

9 **Sec. 2-197. Enforcement of orders by Court; appeals.**

10 (a) A determination [of] made by the [Human Relations Commission] Commission of  
11 a violation of this Division shall be a conclusive finding.

12 (b) If any complainant or respondent refuses to comply with an order of the  
13 Commission made within the scope of this Division, the County, on behalf of the [Commission]  
14 Human Rights Commission, may initiate a suit in equity in the Circuit Court to enforce  
15 compliance with any of the provisions of this Division.

16 (c) Any party aggrieved by a final decision by the Commission is entitled to file an  
17 appeal pursuant to Chapter 200, Title 7, Maryland Rules of Procedure.

18 **Sec. 2-198. False complaints prohibited; exception.**

19 (a) Any person, including one who is acting for or on behalf of any firm, association,  
20 or corporation, who knowingly files a false complaint under this Act is guilty of a misdemeanor.  
21 The Agency will refer any such matter to the State's Attorney of Prince George's County.

22 (b) This Section shall not be construed or applied to deny the right of a respondent to  
23 bring any civil action against one who has filed a complaint under this Division.

24 **Sec. 2-199. Falsification of documents; intimidation.**

25 (a) No person shall willfully falsify any documents, records, and/or reports which are  
26 subpoenaed pursuant to this Division.

27 (b) No person shall willfully falsify his or her testimony or intimidate any witness  
28 and/or complainant and/or respondent.

29 (c) Any person who violates the provisions of this Section shall be guilty of a  
30 misdemeanor, and upon conviction thereof, shall be fined no more than One Thousand Dollars  
31 (\$1,000.00) and/or imprisoned for not more than six (6) months.

\* \* \* \* \*

## SUBTITLE 2. ADMINISTRATION.

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

#### SUBDIVISION 4. INVESTIGATIVE PROCEDURES.

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

Except in cases of discrimination in housing and residential real estate and harassment against an employer, an Agency [Commission] investigation into a suspected violation by any person of the provisions of this Division may be initiated no later than one hundred eighty (180) days after the date of the alleged violation by filing with the Executive Director, upon a form to be provided by the [Commission] Agency, a signed statement setting forth the suspected violation. In cases of discrimination in housing, the investigation shall be initiated before the end of the thirtieth (30<sup>th</sup>) day after the receipt of the statement setting forth the alleged discriminatory housing practice that has occurred or that the complainant believes is about to occur. A statement alleging discriminatory housing practices must be filed no later than three hundred sixty (360) days after the date of the alleged violation. A statement alleging harassment against an employer shall be filed no later than two (2) years after the date of the alleged violation. In all cases, the statement shall contain the name and address of the complainant [, who may be a member of the Commission or its staff,] and such other information as may be required by the [Commission] Agency. In cases alleging discriminatory housing practices, the [Commission] Agency shall complete the investigation within one hundred (100) days after receipt of the complaint, unless it is impracticable to do so. Should the [a] Agency be unable to complete the investigation within one hundred (100) days, it shall notify the complainant and respondent in writing of the reasons for not doing so. The [Commission] Agency shall make final administrative disposition of a complaint within one (1) year of the date of receipt of a complaint, unless it is impracticable to do so. In such case, the [Commission] Agency must notify the complainant and respondent in writing of its reasons [therefor].

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

The [Commission] Agency shall promptly investigate each charge filed with it. If, after the investigation of the charge, the Executive Director believes that no violation of this Division has occurred, s/he may dismiss the charge. Any complainant adversely affected by the dismissal may appeal administratively to the Commission, no later than [thirty (30)] fifteen (15) days after the date of dismissal by the Executive Director, [which] who may take such action as [it] they

1 deem[s] appropriate.

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

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

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

14 (c) Except in cases alleging discrimination in housing, if the complainant refuses to  
15 accept an offer by the respondent which, in the judgment of the Executive Director, is a  
16 reasonable, good faith offer, the Executive Director may dismiss the complaint for failure to  
17 make a good faith conciliation attempt. Any complainant adversely affected by the dismissal  
18 may, no later than [thirty (30)] fifteen (15) days after the date of dismissal, appeal to the  
19 Commission, who[ich] shall either approve the dismissal or order a hearing on the merits.

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

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

26 **Sec. 2-204. Formal hearing; notice; assignment of case.**

27 (a) Formal hearings shall be convened in cases in which conciliation or mediation has  
28 failed. After the entry of a finding to that effect or not later than ninety (90) days after the  
29 Executive Director determines a violation has occurred, the [entire file including the] complaint  
30 and any and all findings shall be certified to the Commission. The [Chairman] Chairperson shall  
31 cause a written notice to be issued and served in the name of the Commission together with a

1 copy of the complaint, requiring the respondent to answer the charges of the complaint at a  
 2 public hearing before the Commission at such time and place as may be certified in the notice.

3 (b) The [Chairman] Chairperson shall thereupon assign the case to be heard before  
 4 either the full body of Commissioners[,] or a [tribunal consisting of the appropriate Committee  
 5 or] Panel of Commissioners as described in Section 2-189. A transcript of all testimony at the  
 6 hearing shall be made. The case in support of the complaint shall be presented at the hearing by  
 7 the Executive Director. No Commissioner who previously made or participated in the  
 8 investigation or caused the complaint to be filed shall participate in the hearing as a witness, nor  
 9 shall s/he participate in the deliberations [of the tribunal] in such case.

10 **Sec. 2-205. Rights of respondent at hearing.**

11 The respondent may file a written answer to the complaint and appear at the formal hearing  
 12 in person,[or otherwise, ]with or without counsel. The respondent may submit testimony and  
 13 shall be fully heard. [He]S/he may examine and cross-examine witnesses[,] and shall be entitled  
 14 to the compulsory processes of the Commission upon timely request and a concurrence of a  
 15 majority of the Commission.

16 \* \* \* \* \*

17 **Sec. 2-207. - Notice to State's Attorney; stay of proceedings.**

18 (a) In any case under investigation by the Agency or Commission law [or ]Article 27  
 19 and Titles 11 through 27, Criminal Law Article, Transportation Article, and Annotated Code of  
 20 Maryland, where the complaint to the Agency or Commission alleges facts that would constitute  
 21 such criminal offense; or where the Agency or Commission shall reveal facts that would  
 22 constitute such a criminal offense, the Agency or Commission shall give written notice to the  
 23 State's Attorney of Prince George's County of the nature of the matter under investigation.

24 (b) If it appears to the State's Attorney that continuation of the Commission's  
 25 investigation would jeopardize a part of the anticipated criminal proceedings, the State's  
 26 Attorney shall notify the Commission of this fact in writing, specifying that no formal hearing be  
 27 held nor subpoena issued before the termination of the criminal proceedings. Upon receipt of  
 28 such written notice from the State's Attorney, the Commission shall stay the holding of formal  
 29 hearings or issuance of subpoena until the Commission is notified by the State's Attorney that the  
 30 relevant criminal proceedings have terminated.

31 **Sec. 2-208. Confidential information; exceptions.**

1 (a) During the investigation of any complaint alleging a violation of Subdivisions 5,  
 2 6, [and] 7, 8, 9, and 10 of this Division, and until the matters reach the stage of public hearings,  
 3 the activities of all members of the [Commission and employees thereof ] Office of Human  
 4 Rights, including its Commission, in connection with the investigation shall be conducted  
 5 without publicity.

6 (b) The Agency and Commission shall hold confidential any information in relation  
 7 to such a complaint, including the identity of the complainant and the respondent, except that:

8 (1) Any information may be released at any time if the release has been agreed  
 9 to in writing by both complainant and respondent;

10 (2) The identity of the complainant shall be disclosed to the respondent upon  
 11 request;

12 (3) The [Commission] Agency may cooperate with Federal and State agencies  
 13 and shall make available to such agencies its files and investigative data, if the  
 14 [Commission] Agency is satisfied that the agencies will preserve the confidentiality of  
 15 the data which is provided;

16 (4) Any [member of the] Commission or employee of the Agency [thereof], who  
 17 violates the provisions of this Section shall be guilty of a misdemeanor, and upon  
 18 conviction thereof shall be fined not more than One Thousand Dollars (\$1,000.00) and/or  
 19 imprisoned for not more than six (6) months [or both].

20 (c) Conciliation agreements [may] shall be released as set forth in Section 2-203(e) of  
 21 this Division.

22 **Sec. 2-209. [Commission] Office of Human Rights process and witnesses; protection.**

23 No person shall retaliate, or cause or coerce, or attempt to cause or coerce, any other person  
 24 to retaliate against any person because such person has lawfully opposed any act or failure to act  
 25 that is a violation of this Act or has, in good faith, filed a complaint, testified, participated, or  
 26 assisted in any way in any proceeding under this Act.

27 **SUBTITLE 2. ADMINISTRATION.**

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

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

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

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

32 (1) Refuse to sell, lease, sublease, rent, assign, or otherwise transfer; or refuse to

1 negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title,  
 2 leasehold, or other interest in any housing; or represent that housing is not available for  
 3 inspection, sale, lease, sublease, rental, assignment, or other transfer when in fact it is so  
 4 available; or otherwise make housing unavailable, deny, or withhold any housing from  
 5 any person because of race, religion, color, sex, national origin, [immigration status,  
 6 citizenship status, source of income,] age (except as required by State or Federal law),  
 7 occupation, marital status, political opinion, personal appearance, sexual orientation,  
 8 [physical or mental] disability, [or] familial status, gender identity, immigration status,  
 9 citizenship status, or source of income;

10 [(1.1)](2) Deny any person access to, or membership or participation in, any  
 11 multiple listing service, real estate brokers' organization, or other service, organization, or  
 12 facility relating to the business of selling or renting housing, or to discriminate against  
 13 any person in the terms or conditions of such access, membership, or participation, or in  
 14 the selling, brokering, or appraisal of residential real estate on account of race, religion,  
 15 color, sex, national origin, [immigration status, citizenship status, source of income,] age  
 16 (except as required by State or Federal law), occupation, marital status, political opinion,  
 17 personal appearance, sexual orientation, [physical or mental ]disability, [or] familial  
 18 status, gender identity, immigration status, citizenship status, or source of income;

19 [(2)](3)Include in the terms, conditions, or privileges of any sale, lease, sublease,  
 20 rental, assignment, or other transfer of any housing, any clause, condition, or restriction  
 21 discriminating against any person in the use or occupancy of such housing because of  
 22 race, religion, color, sex, national origin, [immigration status, citizenship status, source of  
 23 income,] age (except as required by State or Federal law), occupation, marital status,  
 24 political opinion, personal appearance, sexual orientation, [physical or mental] disability,  
 25 [or] familial status, gender identity, immigration status, citizenship status, or source of  
 26 income;

27 [(3)](4)Discriminate in the furnishings of any facilities, repairs, improvements, or  
 28 services, or in the terms, conditions, privileges, or tenure of occupancy of any person  
 29 because of race, religion, color, sex, national origin, [immigration status, citizenship  
 30 status, source of income,] age (except as required by State or Federal law), occupation,  
 31 marital status, political opinion, personal appearance, sexual orientation, [physical or

1           mental ]disability, [or] familial status, gender identity, immigration status, citizenship  
2           status, or source of income;

3           [(4)](5)Print or publish, or cause to be printed or published, any notice, statement,  
4           listing or advertisement, or to announce a policy, or use any form of application for  
5           purchase, lease, rental, or financing of any housing indicating any preference, limitation,  
6           or specification based upon race, religion, color, sex, national origin, [immigration status,  
7           citizenship status, source of income,] age (except as required by State or Federal law),  
8           occupation, marital status, political opinion, personal appearance, sexual orientation,  
9           [physical or mental ]disability, [or] familial status, gender identity, immigration status,  
10          citizenship status, or source of income;

11          [(5)](6)Induce or attempt to induce any person to sell or rent any housing by  
12          representations regarding the entry or prospective entry into the neighborhood of a person  
13          or persons of a particular race, color, religion, sex, national origin, [immigration status,  
14          citizenship status, source of income,] age (except as required by State or Federal law),  
15          occupation, marital status, political opinion, personal appearance, sexual orientation,  
16          [physical or mental ]disability, [or ]familial status, gender identity, immigration status,  
17          citizenship status, source of income;

18          [(6)](7)Discriminate in the sale or rental, or otherwise make unavailable or deny,  
19          housing to any buyer or renter because of a disability of:

20                 (A)       The buyer or renter;

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

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

24          [(7)](8)Discriminate against any person in terms, conditions, or privileges of sale  
25          or rental of housing, or in the provisions of services or facilities in connection with such  
26          housing, because of a disability of:

27                 (A)       The person; or

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

30                 (C)       Any person associated with the person.

31          [(8)](9)For purposes of Subsections [(6)](7) and [(7)](8), above, discrimination

1 includes:

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

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

12 (C) A failure to construct a covered multifamily dwelling in  
13 accordance with the Building Code with regard to accessibility by a person with a  
14 disability.

15 ~~[(9)](10)~~Discriminate by inquiring about immigration status or citizenship status  
16 in connection with the sale, lease, sublease, assignment, or other transfer of a housing unit,  
17 unless to comply with a federal or state law or a court order.

18 ~~[(10)](11)~~Discriminate by requiring documentation, information, or other proof of  
19 immigration status or citizenship status, unless to comply with a federal or state law or a  
20 court order.

21 ~~[(11)](12)~~Discriminate in the sale, lease, sublease, assignment, or other transfer of  
22 a housing unit by requiring proof of immigration status or citizenship status, such as a  
23 social security number, without providing an alternative that does not reveal immigration  
24 status or citizenship status, such as an individual taxpayer identification number.

25 ~~[(12)](13)~~Discriminate by disclosing, reporting, or threatening to disclose or  
26 report immigration status or citizenship status to anyone, including an immigration  
27 authority, law enforcement agency, or local, state, or federal agency, for the purpose of  
28 inducing a person to vacate the housing unit or for the purpose of retaliating against a  
29 person for the filing of a claim or complaint.

30 ~~[(13)](14)~~Discriminate by evicting a person from a housing unit or by otherwise  
31 attempting to obtain possession of a housing unit because of the person's immigration status

1 or citizenship status unless the remedy is sought to comply with a federal or state law or a  
2 court order.

3 ~~[(14)]~~(15) Nothing in this Subsection requires that housing be made available to an  
4 individual whose tenancy would constitute a direct threat to the health or safety of other  
5 individuals or whose tenancy would result in substantial physical damage to the property of  
6 others.

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

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

13 (2) Intended for, and solely occupied by, persons sixty-two (62) years of age or  
14 older; or

15 (3) Intended and operated for occupancy by at least one person fifty-five (55)  
16 years of age or older per unit, provided that the housing satisfies the requirements of Title  
17 24, Code of Federal Regulations, Section 100:304.

18 (c) Discrimination shall not be wrongful with regard to the leasing of a room(s) or  
19 apartment(s) in an owner-occupied dwelling consisting of not more than three (3) rental units  
20 except as specified in (a)(4) of this Section.

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

25 (e) Nothing in this Division shall prohibit a religious organization, association, or  
26 society, or any nonprofit institution or organization operated, supervised, or controlled by or in  
27 conjunction with a religious organization, association, or society, from limiting the sale, rental,  
28 or occupancy of housing which it owns or operates, for other than commercial purposes, to  
29 persons of the same religion, or from giving preference to such persons, unless membership in  
30 such religion is restricted on account of race, color, sex, national origin, [immigration status,  
31 citizenship status, source of income,] age (except as required by State or Federal law),

1 occupation, marital status, political opinion, personal appearance, sexual orientation, [physical or  
2 mental ]disability, [or] familial status, gender identity, immigration status, citizenship status, or  
3 source of income.

4 \* \* \* \* \*

5 **SUBTITLE 2. ADMINISTRATION.**

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

7 **SUBDIVISION 6. PROHIBITED ACTS IN PUBLIC ACCOMMODATIONS.**

8 **Sec. 2-220. Denial of public accommodations.**

9 No owner or operator of a place of public accommodation, located in the County, or the  
10 agent of any owner or operator of such place of public accommodation, shall deny to any person  
11 any of the accommodations, advantages, facilities, or privileges, of such a place of public  
12 accommodation because of discrimination; provided, however, that nothing in this Section shall  
13 be construed or interpreted to prohibit any owner or operator of any such establishment, or any  
14 agent or employee thereof, from the right to deny service to any person for failure to conform to  
15 the usual and regular requirements, standards and regulations for such establishment so long as  
16 the denial is not based upon discrimination as defined in Section 2-186; and provided further,  
17 however, that discrimination based on a person’s disability[physical or mental handicap] as  
18 defined in Section 2-186 shall not be wrongful with regard to the failure of any owner or  
19 operator of any such establishment, or any agent or employee thereof, to fail or refuse to  
20 renovate, alter or modify any such establishment in order to accommodate any person with a  
21 [physical or mental handicap] disability, as defined herein, except as otherwise required by the  
22 Building Code for Prince George's County, Maryland.

23 \* \* \* \* \*

24 **SUBTITLE 2. ADMINISTRATION.**

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

26 **SUBDIVISION 7. PROHIBITED ACTS IN EMPLOYMENT.**

27 **Sec. 2-227. Exceptions to subdivision restrictions.**

28 (a) Nothing in this Subdivision shall prohibit the hiring, assignment, compensation,  
29 or discharge of persons by an employer, the classification or referral of persons for employment  
30 by an employment agency, the classification of members of a labor organization, or the  
31 admission to any program of apprenticeship, training, or retraining because of discrimination  
32 where it can be demonstrated that it is a bona fide occupational qualification which is reasonable,

necessary, and relevant to the normal operation of a particular business or enterprise.

(b) A school, college, university, or other educational institution may hire and employ persons of a particular religion if such school, college, university, or other educational institution is, in whole or in substantial part, owned, supported, controlled, or managed by a particular church, synagogue, mosque, temple, or other religious organization or corporation, or if the curriculum of the school, college, university, or other educational institution is designed to comply, in whole or in part, with the doctrines or tenets of a particular church, synagogue, mosque, or temple.[or synagogue.]

\* \* \* \* \*

**SUBTITLE 2. ADMINISTRATION.**

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

**SUBDIVISION 8. DISCRIMINATION BY LAW ENFORCEMENT OFFICERS.**

**Sec. 2-229. Prohibited acts by law enforcement officers.**

(a) The [Human Relations Commission] Office of Human Rights shall have the authority to investigate, and hold a formal hearing, on any sworn complaint against any law enforcement officer operating within the County, except a complaint against a member of the Prince George's County Police Department, which alleges any of the following categories of complaints that are defined and prohibited by law or regulation:

- (1) Police harassment;
- (2) The excessive use of force in the performance of his or her duties;
- (3) The use of language which would demean the inherent dignity of any person.

(b) The [Commission's] Agency's staff shall, upon receipt of a sworn complaint, transmit a copy of any such complaints to the Chief of any Law Enforcement Agency involved, and the State's Attorney promptly after filing.

**Sec. 2-230. - Investigation of complaint.**

(a) If the Commission, by a majority vote of the full [membership] body, find[s] that a complaint within one of the categories described in Section 2-186(a)(3) has merit, the Commission shall forward a request to the Law Enforcement Agency involved requesting that appropriate disciplinary action be taken and shall at the same time forward a copy of the request to the State's Attorney. The request shall set forth the facts concerning the incident and the name of the officer(s) involved, the name and address of the complaining party and all witnesses, and a

1 copy of all information compiled by the Commission, along with a copy of the findings of facts,  
 2 conclusions, and transcript of testimony if a hearing has been held by the Commission.

3 (b) The [Chairman] Chairperson of the Commission shall, along with the transmittal  
 4 of the aforesaid documents, certify that a majority of the full [membership]body of the  
 5 Commissioners has voted for a finding that there is probable cause to believe that the named  
 6 officer(s) is (are) guilty of a wrongful law enforcement practice.

7 **Sec. 2-231. Complaints against members of the Prince George's County police department.**

8 Notwithstanding the provisions of Section 2-229, if a complaint [filed with the  
 9 Commission] received by the Office of Human Rights involves a member of the Prince George's  
 10 County Police Department, the [Commission] Agency shall forward a copy of the complaint and  
 11 all related documents to the Chief of Police and to the Citizen Complaint Oversight Panel[,  
 12 within one (1) working day after the receipt of the complaint by the Commission].

13 **SUBTITLE 2. ADMINISTRATION.**

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

15 **SUBDIVISION 9. PROHIBITED ACTS IN COMMERCIAL REAL ESTATE.**

16 **Sec. 2-231.01. Prohibited Acts in Commercial Real Estate.**

17 (a) It is an unlawful practice and a violation of this Division:

18 (1) For any person, real estate broker, or real estate salesperson, because of race,  
 19 religion, color, sex, national origin, age (except as required by State or Federal law),  
 20 occupation, marital status, political opinion, personal appearance, sexual orientation,  
 21 [physical or mental handicap] disability, [or] familial status, or gender identity to:

22 (A) Refuse to sell, lease, sublease, rent, assign, or otherwise transfer,  
 23 or refuse to negotiate for the sale, lease, sublease, rental, assignment, or other  
 24 transfer of commercial real estate, or represent that commercial real estate is not  
 25 available for inspection, sale, lease, sublease, rental, assignment, or other transfer  
 26 when in fact it is so available, or otherwise deny or withhold commercial real  
 27 estate from any person.

28 (B) Include in the terms, conditions, or privileges of any sale, lease,  
 29 sublease, rental, assignment, or other transfer of commercial real estate any  
 30 clause, condition, or restriction discriminating against any person in the use or  
 31 occupancy of such real estate.

32 (C) Discriminate in the furnishing of any facilities, repairs,

1 improvements, or services, or in the terms, conditions, privileges, or tenure of  
2 occupancy.

3 (2) For any lending institution, because of race, religion, color, sex, national  
4 origin, age (except as required by State or Federal law), occupation, marital status,  
5 political opinion, personal appearance, sexual orientation, [physical or mental  
6 handicap]disability, [or] familial status, or gender identity to:

7 (A) Discriminate in lending money, guaranteeing loans, accepting a  
8 deed of trust or mortgage, or otherwise making available funds to acquire,  
9 construct, alter, rehabilitate, repair, or maintain commercial real estate.

10 (B) Discriminate in fixing the rates, terms, conditions, or provisions  
11 of any such financial assistance, or in extending service in connection therewith.

12 (3) For any person, real estate broker or real estate salesperson, with respect to  
13 any act prohibited in Subsections (a) (1) or (2), to publish or circulate, or to cause to be  
14 published or circulated, any notice, statement, listing, or advertisement, or to announce a  
15 policy, or to use any form of application for the purchase, lease, rental, or financing of  
16 commercial real estate, or to make any record or business inquiry in connection with the  
17 prospective purchase, lease, rental, or financing of commercial real estate which indicates  
18 reliance on or a decision based on race, religion, color, sex, national origin, age (except as  
19 required by State or Federal law), occupation, marital status, political opinion, personal  
20 appearance, sexual orientation, [physical or mental handicap] disability, [or] familial  
21 status, or gender identity. However, this subsection does not preclude the use of a logo or  
22 other means of advertising to advise [handicapped] persons with disabilities that any  
23 commercial real estate is suitable or adapted to use by [handicapped] persons with  
24 disabilities.

25 (4) For any person to assist in, compel, or coerce the doing of any unlawful  
26 practice under this Subdivision, to obstruct or prevent enforcement or compliance with  
27 this Subdivision, or to attempt directly or indirectly to commit any unlawful practice.

28 (5) For any person, real estate broker, or real estate salesperson, to:

29 (A) Induce or attempt to induce, by direct or indirect methods, any  
30 person to transfer commercial real estate by representations regarding the existing  
31 or potential proximity of real estate owned, used, or occupied by any person of

1 any particular race, religion, color, sex, national origin, age (except as required by  
2 State or Federal law), occupation, marital status, political opinion, personal  
3 appearance, sexual orientation, [physical or mental handicap] disability, [or  
4 ]familial status, or gender identity.

5 (B) Represent to any prospective purchaser or lessee that any  
6 commercial real estate in a particular area may undergo, is undergoing, or has  
7 undergone a change with respect to race, religion, color, sex, national origin, age  
8 (except as required by State or Federal law), occupation, marital status, political  
9 opinion, personal appearance, sexual orientation, [physical or mental  
10 handicap]disability, [or] familial status, or gender identity of occupants of such  
11 area.

12 (C) Place a sign or display any other device either purporting to offer  
13 for sale, lease, assignment, transfer, or other disposition, or tending to lead to the  
14 belief that a bona fide offer is being made to sell, lease, assign, transfer or  
15 otherwise dispose of any commercial real estate that is not in fact available or  
16 offered for sale, lease, assignment, transfer, or other disposition, because of race,  
17 religion, color, sex, national origin, age (except as required by State or Federal  
18 law), occupation, marital status, political opinion, personal appearance, sexual  
19 orientation, [physical or mental handicap]disability, [or] familial status, or gender  
20 identity.

21 (6) For any person, real estate broker, or real estate salesperson to deny any  
22 other person or real estate broker or real estate salesperson access to, or membership or  
23 participation in, any multiple-listing service, real estate brokers' organization, or other  
24 service, organization, or facility relating to the business of buying, selling, or renting  
25 commercial real estate, or to discriminate against that person in the terms or conditions of  
26 such access, membership, or participation because of race, color, sex, national origin, age  
27 (except as required by State or Federal law), occupation, marital status, political opinion,  
28 personal appearance, sexual orientation, [physical or mental handicap] disability, [or  
29 ]familial status, or gender identity.

30 (7) This section does not apply to religious institutions or organizations or  
31 charitable or educational organizations operated, supervised, or controlled by religious

1 institutions or organizations which give preferences to members of the same religion in a  
 2 commercial real estate transaction, as long as membership in such religion is not  
 3 restricted by race, color, sex, national origin, age (except as required by State or Federal  
 4 law), occupation, marital status, political opinion, personal appearance, sexual  
 5 orientation, [physical or mental handicap]disability, [or] familial status, or gender  
 6 identity.

7 **SUBTITLE 2. ADMINISTRATION.**

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

9 **SUBDIVISION 10. FAIR CRIMINAL RECORD SCREENING STANDARDS.**

10 **Sec. 2-231.03. Definitions.**

11 (a) For purposes of this Subdivision, the following words and phrases shall have the  
 12 following meanings indicated:

13 (1) Applicant shall mean a person who is considered or who requests to be  
 14 considered for employment in the County by an employer.

15 (2) Arrest record shall mean information indicating that a person has been  
 16 apprehended, detained, taken into custody, held for investigation, or otherwise restrained  
 17 by a law enforcement agency or military authority due to an accusation or suspicion that  
 18 the person committed a crime.

19 (3) Conviction record shall mean information regarding a sentence arising from  
 20 a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a  
 21 fine, a suspended sentence, and a sentence of probation.

22 (4) Criminal record report shall mean a record of a person's arrest and  
 23 conviction history obtained from any source.

24 [(5) Director shall mean the Executive Director of the Human Relations  
 25 Commission.]

26 [6](5) Employment shall mean:

27 (A) Any work for compensation; and

28 (B) Any form of vocational or educational training, with or  
 29 without compensation.

30 [7](6) Employee shall mean a person permitted or instructed to work or be  
 31 present by an employer in the County.

32 [8](7) Employer shall mean any person, individual, proprietorship, partnership,

1 joint venture, corporation, limited liability company, trust, association, or other entity  
2 operating and doing business in the County that employs twenty-five (25) or more  
3 persons full-time in the County. Employer includes the County government, but does  
4 not include the United States, any State, or any other local government.

5 [9](8) Inquiry or Inquire shall mean any direct or indirect conduct intended to  
6 gather information, using any mode of communication.

7 [10](9) Vulnerable adult shall mean an adult who lacks the physical or mental  
8 capacity to provide for his or her own daily needs.

9 \* \* \* \* \*

10 **Sec. 2-231.05. Employment decisions; rescission of an offer of employment based on**  
11 **criminal record.**

12 (a) In making an employment decision based on an applicant's arrest record or  
13 conviction record, an employer shall conduct an individualized assessment, considering only  
14 specific offenses that may demonstrate unfitness to perform the duties of the position sought by  
15 the applicant, the time elapsed since the specific offenses, and any evidence of inaccuracy in the  
16 record.

17 (b) If an employer intends to rescind an offer of employment based on an item or  
18 items in the applicant's arrest record or conviction record, before rescinding the offer of  
19 employment the employer shall:

- 20 (1) provide the applicant with a copy of any criminal record report;
- 21 (2) notify the applicant, in writing, of the intention to rescind the offer of
- 22 employment and the items that are the basis for the intention to rescind the offer of
- 23 employment; and
- 24 (3) delay rescinding the offer of employment for seven (7) days to permit the
- 25 applicant to give the employer notice of inaccuracy of an item or items on which the
- 26 intention to rescind the offer of employment is based. The applicant must receive in
- 27 writing from the employer his or her right under this provision.

28 (c) If an employer decides to rescind an offer of employment based on the arrest  
29 record or conviction record of an applicant, the employer shall notify the applicant of the  
30 rescission of the offer of employment in writing.

31 **Sec. 2-231.06. Exemptions.**

1 (a) The prohibitions and requirements of this Subdivision shall not apply if the  
2 inquiries prohibited by this Subdivision are required or expressly authorized by an applicable  
3 [f]Federal, State, or County law or regulation.

4 (b) The prohibitions and requirements of this Subdivision shall not apply to any  
5 County public safety agencies or to positions that, in the judgment of the County, have access to  
6 confidential or proprietary business or personal information, money or items of value, or involve  
7 emergency management.

8 (c) The prohibitions of this Subdivision shall not apply to an employer that provides  
9 programs, services, or direct care to minors or vulnerable adults.

10 **Sec. 2-231.07. Enforcement.**

11 (a) The Executive Director shall administer and enforce this Subdivision.

12 (b) A person aggrieved by an alleged violation of this Subdivision may file a written  
13 complaint with the Executive Director pursuant to Subtitle 2, Division 12 of the County Code.

14 (c) The Executive Director shall promulgate rules and regulations, subject to County  
15 Council approval by resolution, which shall govern the implementation and administration of  
16 this Subdivision within sixty (60) days of the effective date of this Act.

17 **Sec. 2-231.08. Reporting.**

18 (a) The [Human Relations Commission] Agency shall maintain data on the number  
19 of complaints filed pursuant to this Subdivision, demographic information on the complainants,  
20 the number of investigations it conducts, and the disposition of every complaint and  
21 investigation.

22 (b) The Executive Director shall provide the County Council and County Executive  
23 an annual report on the number of complaints and the disposition of every complaint and  
24 investigation on or before December 31 beginning fiscal year 2016 and each year thereafter.

25 \* \* \* \* \*

26 **SUBTITLE 2. ADMINISTRATION.**  
27 **DIVISION 17. CODE OF ETHICS.**

28 **Sec. 2-294. Financial Disclosure.**

29 (a) The following elected officials, officials and employees and candidates for office  
30 as such officials or employees, when such positions are elective, are required to file the financial  
31 disclosure statements provided for in this Section:

\* \* \* \* \*

(27) Members of the County [Human Relations Commission] Office of Human Rights;

(28) Executive Director of the County [Human Relations Commission] Office of Human Rights;

\* \* \* \* \*

**SUBTITLE 2. ADMINISTRATION.  
DIVISION 45. LANGUAGE ACCESS.**

**Sec. 2-513. Definitions.**

\* \* \* \* \*

(c) **Covered entity** with major public contact shall mean a covered entity whose primary responsibility consists of meeting, contacting, and dealing with the public.

(1) Covered entities with major public contact are:

\* \* \* \* \*

(P) **[Human Relations Commission] Office of Human Rights**

\* \* \* \* \*

(e) **Language Access Compliance Program Director** shall mean the official in the [Human Relations Commission] Office of Human Rights who monitors the activities of the County agencies, departments, and programs undertaken to comply with the provisions of this Division in each agency.

\* \* \* \* \*

(n) **Language Access Rights Banner** is a pull up banner that states, in the County's top 10 spoken languages, "You have the right to ask for an interpreter and get help in your language for free. If your request is denied, call the Prince George's County [Human Relations Commission (HRC)] Office of Human Rights (OHR) at 301-883-6170 to file a complaint."

\* \* \* \* \*

**Sec. 2-518. Language access oversight; duties of Language Access Compliance Program Director.**

(a) The [Human Relations Commission] Office of Human Rights shall provide oversight, monitoring, and investigation and enforcement of covered entities in their implementation of the provisions of this Division and report annually to the County Council and

1 County Executive to ensure that the provision of services by covered entities meets acceptable  
2 standards of translation or interpretation.

3 (b) There shall be within the [Human Relations Commission] Office of Human  
4 Rights a Language Access Compliance Program Director and two Language Access Compliance  
5 Program Monitors and one Language Access Compliance Program Analyst to monitor activities  
6 under this Division. The Language Access Compliance Program Director shall:

7 \* \* \* \* \*

8 (2) Provide guidance and supervision to the Language Access Compliance  
9 Program Analyst and Language Access Compliance Program Monitors, who track and  
10 investigate public complaints regarding language access violations at covered entities,  
11 and where necessary, issue written findings of noncompliance to the covered entities  
12 regarding failures to provide language access; provided that this responsibility shall not  
13 supersede or preclude the existing individual complaint process and mechanism under the  
14 jurisdiction of the [Human Relations Commission] Office of Human Rights;

15 \* \* \* \* \*

16 (5) Serve as the Language Access Compliance Program Director for the  
17 [Human Relations Commission] Office of Human Rights; and

18 \* \* \* \* \*

19 **Sec. 2-518.01. Duties of Language Access Compliance Program Coordinators.**

20 The Language Access Compliance Program Coordinators shall:

21 \* \* \* \* \*

22 (6) meet the data collection and, quarterly and annual reporting requirements of  
23 the Act to the [Human Relations Commission] Office of Human Rights, Language  
24 Access Compliance Program.

25 \* \* \* \* \*

26 **SUBTITLE 5. BUSINESSES AND LICENSES.**

27 **DIVISION 7. HOTELS AND ROOMING HOUSES.**

28 **Sec. 5-168. Room register required; contents; occupancy; room rental.**

29 \* \* \* \* \*

30 (e) Notwithstanding Section 5-168(c), there is an exemption for any owner, operator,  
31 employee, or person in control, of any hotel, rooming house, tourist home, motel or tourist cabin

1 park within the County from the room rental limitation within a quarter of a mile of a hospital so  
2 they can rent to patients accessing outpatient care, or the patient's family member, at that hospital  
3 or other medical facility. There is also an exemption for any owner, operator, employee, or  
4 person in control of any hotel, rooming house, tourist home, motel or tourist cabin park within  
5 the County from the room rental limitation for renting for special purposes, which shall include  
6 air or transit travel layovers, speaker ready rooms, public safety purposes, and nursing or  
7 pregnant mothers. The Executive Director of the [Human Relations Commission] Office of  
8 Human Rights may also grant additional exemptions in advance in writing for other special  
9 purposes that the Executive Director determines is consistent with the intent of this Act.

10 \* \* \* \* \*

11 **Sec. 5-171.01. Registration; Training; certification.**

12 \* \* \* \* \*

13 (d) Beginning on August 1, 2015, each new employee of a hotel, rooming house,  
14 tourist home, motel, or tourist cabin park within the County shall complete a human trafficking  
15 training program consisting of viewing a training video provided by the [Human Relations  
16 Commission] Office of Human Rights in collaboration with the Prince George's County Police  
17 Department. Employees hired prior to August 1, 2015 shall complete the human trafficking  
18 training in this subsection by October 1, 2015. The same training requirements apply for human  
19 labor trafficking except for the above-referenced dates in this subsection.

20 \* \* \* \* \*

21 **SUBTITLE 10A. PURCHASING.**

22 **DIVISION 2. AWARD OF CONTRACTS.**

23 **Sec. 10A-122. Nondiscrimination.**

24 \* \* \* \* \*

25 (e) Any person, including an employee or prospective employee, who has  
26 information about a violation of this Section or a nondiscrimination clause may inform the  
27 [Human Relations Commission] Office of Human Rights. The [Human Relations Commission]  
28 Office of Human Rights shall cause an immediate investigation of the charge, and, if it concludes  
29 that the charges are true, may invoke any remedy available by law.

30 \* \* \* \* \*

31 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

**DIVISION 3. LANDLORD-TENANT REGULATIONS.**

**SUBDIVISION 2. LANDLORD-TENANT CODE.**

**Sec. 13-162.00.03. Inquiries, complaints.**

\* \* \* \* \*

(a) Any inquiries and/or complaints regarding prostitution and/or human sex or human labor trafficking to the Prince George's County 311 Call Center shall be directed to the enforcing agencies of the County, including the [Human Relations Commission] Office of Human Rights.

(b) Upon request, the [Human Relations Commission] Office of Human Rights shall make available to property owners and landlords of rental properties requesting the information and/or the inquiries or complaints received regarding their rental properties.

(c) The [Human Relations Commission] Office of Human Rights shall make available resources regarding prostitution and/or human sex or human labor trafficking to property owners and landlords of rental properties.

**Sec. 13-162.00.04. Human Sex and Human Labor Trafficking; Voluntary Registration, Training, and Certification.**

\* \* \* \* \*

(b) An owner and a manager of an apartment rental within the County may voluntarily register for human sex and human labor trafficking training with the [Human Relations Commission] Office of Human Rights. If an entity is owned by a corporation, the registered agent of the owner may register with the [Human Relations Commission] Office of Human Rights.

(c) Any voluntary registration shall be updated by the [Human Relations Commission] Office of Human Rights by the end of the 30th day after registration with the [Human Relations Commission] Office of Human Rights.

(d) The [Human Relations Commission] Office of Human Rights, in collaboration with the Prince George's County Police Department, will provide voluntary training on human sex trafficking and human labor trafficking consisting of training for management staff of an apartment rental within the County at the cost of the participating apartment owners.

(e) Beginning on July 1, 2017, apartment rentals identified in Sec. 13-162.00.04(a), may voluntarily biennially certify to the [Human Relations Commission] Office of Human

1 Rights that management staff has completed the voluntary training. The [Human Relations  
2 Commission] Office of Human Rights shall issue regulations prescribing the process for biennial  
3 certification within sixty (60) days after the effective date of this Act except for human labor  
4 trafficking, which certification process shall be completed at a later date. The same training  
5 requirements apply for human labor trafficking except for the above-referenced dates in this  
6 subsection.

7 \* \* \* \* \*

8 **SUBTITLE 14. MORALS AND CONDUCT.**

9 **DIVISION 19. HUMAN SEX TRAFFICKING AND HUMAN LABOR TRAFFICKING.**

10 **Sec. 14-194. Assessment of Victim Protection Needs.**

11 The [Human Relations Commission] Office of Human Rights, through the Prince George's  
12 County Human Trafficking Task Force, shall no later than one year from the effective date of  
13 this statute create, distribute, and analyze the data resulting from a universal survey that produces  
14 a report outlining how existing entities capture the number of trafficking complaints, suspected  
15 trafficking cases, and how existing laws and regulations address the needs of trafficking victims.  
16 This report should suggest improvement and modification. The report should also outline how  
17 existing programs respond or fail to respond to the needs of trafficking victims and the interplay  
18 of such existing programs with county-funded service programs. The final report shall be  
19 delivered to the County Council and County Executive no later than March 15, 2021.

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

28 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on October 1,  
29 2021.

Adopted this 19th day of April, 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.