

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2014 Legislative Session

Bill No. CB-11-2014

Chapter No. _____

Proposed and Presented by Council Member Campos

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Gender Identity Non Discrimination

3 For the purpose of prohibiting discrimination based on gender identity.

4 BY repealing and reenacting with amendments:

5 SUBTITLE 2. ADMINISTRATION.

6 Sections 2-186, 2-210, 2-211, 2-231.01

7 The Prince George's County Code

8 (2011 Edition; 2013 Supplement).

9 BY repealing and reenacting with amendments:

10 SUBTITLE 16. PERSONNEL.

11 Section 16-102

12 The Prince George's County Code

13 (2011 Edition; 2013 Supplement).

14 BY repealing and reenacting with amendments:

15 SUBTITLE 31. PRINCE GEORGE'S COUNTY

16 SUPPLEMENTAL HIGHER EDUCATION LOAN AUTHORITY.

17 Section 31-122

18 The Prince George's County Code

19 (2011 Edition; 2013 Supplement).

20 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
21 Maryland, that Section 2-186 of the Prince George's County Code be and the same is hereby

1 repealed and reenacted with the following amendments:

2 **SUBTITLE 2. ADMINISTRATION.**

3 **DIVISION 12. HUMAN RELATIONS COMMISSION.**

4 **Subdivision 1. General Provisions.**

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

6 (a) As used in this Division:

7 * * * * *

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

14 * * * * *

15 SECTION 2. BE IT ENACTED that Sections 2-210 and 2-211 of the Prince George's
16 County Code be and the same are hereby repealed and reenacted with the following
17 amendments:

18 **SUBTITLE 2. ADMINISTRATION.**

19 **DIVISION 12. HUMAN RELATIONS COMMISSION.**

20 **Subdivision 5. Prohibited Acts in Housing and Residential Real Estate.**

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

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

23 (1) Refuse to sell, lease, sublease, rent, assign, or otherwise transfer; or refuse to
24 negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold,
25 or other interest in any housing; or represent that housing is not available for inspection, sale,
26 lease, sublease, rental, assignment, or other transfer when in fact it is so available; or otherwise
27 make housing unavailable, deny, or withhold any housing from any person because of race,
28 religion, color, sex, gender identity, national origin, age, occupation, marital status, political
29 opinion, personal appearance, sexual orientation, physical or mental handicap, or familial status;

30 (1.1) Deny any person access to, or membership or participation in, any multiple listing
31 service, real estate brokers' organization, or other service, organization, or facility relating to the

1 business of selling or renting housing, or to discriminate against any person in the terms or
2 conditions of such access, membership, or participation, or in the selling, brokering, or appraisal
3 of residential real estate on account of race, religion, color, sex, gender identity, national origin,
4 age, occupation, marital status, political opinion, personal appearance, sexual orientation,
5 physical or mental handicap, or familial status;

6 (2) Include in the terms, conditions, or privileges of any sale, lease, sublease, rental,
7 assignment, or other transfer of any housing, any clause, condition, or restriction discriminating
8 against any person in the use or occupancy of such housing because of race, religion, color, sex,
9 gender identity, national origin, age, occupation, marital status, political opinion, personal
10 appearance, sexual orientation, physical or mental handicap, or familial status;

11 (3) Discriminate in the furnishings of any facilities, repairs, improvements, or
12 services, or in the terms, conditions, privileges, or tenure of occupancy of any person because of
13 race, religion, color, sex, gender identity, national origin, age, occupation, marital status, political
14 opinion, personal appearance, sexual orientation, physical or mental handicap, or familial status;

15 (4) Print or publish, or cause to be printed or published, any notice, statement, listing
16 or advertisement, or to announce a policy, or use any form of application for purchase, lease,
17 rental, or financing of any housing indicating any preference, limitation, or specification based
18 upon race, religion, color, sex, gender identity, national origin, age, occupation, marital status,
19 political opinion, personal appearance, sexual orientation, physical or mental handicap, or
20 familial status;

21 (5) Induce or attempt to induce any person to sell or rent any housing by
22 representations regarding the entry or prospective entry into the neighborhood of a person or
23 persons of a particular race, color, religion, sex, gender identity, national origin, age, occupation,
24 marital status, political opinion, personal appearance, sexual orientation, physical or mental
25 handicap, or familial status;

26 * * * * *

27 (e) Nothing in this Division shall prohibit a religious organization, association, or society,
28 or any nonprofit institution or organization operated, supervised, or controlled by or in
29 conjunction with a religious organization, association, or society, from limiting the sale, rental,
30 or occupancy of housing which it owns or operates, for other than commercial purposes, to
31 persons of the same religion, or from giving preference to such persons, unless membership in

1 such religion is restricted on account of race, color, sex, gender identity, national origin, age,
2 occupation, marital status, political opinion, personal appearance, sexual orientation, physical or
3 mental handicap, or familial status.

4 * * * * *

5 **Sec. 2-211. Housing loans; exception.**

6 (a) No lending institution shall discriminate in lending money, guaranteeing loans,
7 purchasing loans, accepting a deed of trust or mortgage, or otherwise making available funds for
8 the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of any
9 housing on account of race, religion, color, sex, gender identity, national origin, age, occupation,
10 familial status, marital status, political opinion, personal appearance, sexual orientation, or
11 physical or mental handicap. No lending institution shall discriminate in the fixing of the rates,
12 terms, conditions, or provisions of any such financial assistance or in the extension of service in
13 connection therewith, because of discrimination.

14 * * * * *

15 SECTION 3. BE IT ENACTED that Section 2-231.01 of the Prince George's County Code
16 be and the same is hereby repealed and reenacted with the following amendments:

17 **SUBTITLE 2. ADMINISTRATION.**

18 **DIVISION 12. HUMAN RELATIONS COMMISSION.**

19 **Subdivision 9. Prohibited Acts in Commercial Real Estate.**

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

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

22 (1) For any person, real estate broker, or real estate salesperson, because of race,
23 religion, color, sex, gender identity, national origin, age, occupation, marital status, political
24 opinion, personal appearance, sexual orientation, physical or mental handicap, or familial status,
25 to:

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

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

4 (C) Discriminate in the furnishing of any facilities, repairs, improvements, or
5 services, or in the terms, conditions, privileges, or tenure of occupancy.

6 (2) For any lending institution, because of race, religion, color, sex, gender identity,
7 national origin, age, occupation, marital status, political opinion, personal appearance, sexual
8 orientation, physical or mental handicap, or familial status to:

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

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

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

25 * * * * *

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

27 (A) Induce or attempt to induce, by direct or indirect methods, any person to
28 transfer commercial real estate by representations regarding the existing or potential proximity of
29 real estate owned, used, or occupied by any person of any particular race, religion, color, sex,
30 gender identity, national origin, age, occupation, marital status, political opinion, personal
31 appearance, sexual orientation, physical or mental handicap, or familial status.

1 (B) Represent to any prospective purchaser or lessee that any commercial real
2 estate in a particular area may undergo, is undergoing, or has undergone a change with respect to
3 race, religion, color, sex, gender identity, national origin, age, occupation, marital status, political
4 opinion, personal appearance, sexual orientation, physical or mental handicap, or familial status
5 of occupants of such area.

6 (C) Place a sign or display any other device either purporting to offer for sale,
7 lease, assignment, transfer, or other disposition, or tending to lead to the belief that a bona fide
8 offer is being made to sell, lease, assign, transfer or otherwise dispose of any commercial real
9 estate that is not in fact available or offered for sale, lease, assignment, transfer, or other
10 disposition, because of race, religion, color, sex, gender identity, national origin, age, occupation,
11 marital status, political opinion, personal appearance, sexual orientation, physical or mental
12 handicap, or familial status.

13 (6) For any person, real estate broker, or real estate salesperson to deny any other
14 person or real estate broker or real estate salesperson access to, or membership or participation
15 in, any multiple-listing service, real estate brokers' organization, or other service, organization, or
16 facility relating to the business of buying, selling, or renting commercial real estate, or to
17 discriminate against that person in the terms or conditions of such access, membership, or
18 participation because of race, color, sex, gender identity, national origin, age, occupation, marital
19 status, political opinion, personal appearance, sexual orientation, physical or mental handicap, or
20 familial status.

21 (7) This section does not apply to religious institutions or organizations or charitable
22 or educational organizations operated, supervised, or controlled by religious institutions or
23 organizations which give preferences to members of the same religion in a commercial real
24 estate transaction, as long as membership in such religion is not restricted by race, color, sex,
25 gender identity, national origin, age, occupation, marital status, political opinion, personal
26 appearance, sexual orientation, physical or mental handicap, or familial status.

27 * * * * *

28 SECTION 4. BE IT ENACTED that Section 16-102 of the Prince George's County Code
29 be and the same is hereby repealed and reenacted with the following amendments:

30 **SUBTITLE 16. PERSONNEL.**
31 **DIVISION 1. GENERAL PROVISIONS.**

1 **Sec. 16-102. Definitions.**

2 (a) For purposes of this Subtitle, the following words and phrases shall have the meanings
3 respectively ascribed to them by this Section, except where the context clearly requires
4 otherwise:

5 * * * * *

6 (18) **Discrimination** or **Discriminatory Action** means any act by an employee's
7 appointing authority or supervisor, or the Director of Human Resources Management, which
8 adversely affects the pay, status or working conditions of the employee, or any act by an
9 appointing authority or the Director of Human Resources Management which adversely affects
10 an applicant for employment or a former employee seeking reinstatement, reemployment or
11 reappointment, where any such act is based upon the employee's or the applicant's race, sex,
12 gender identity, sexual orientation, color, religion, creed, country of national origin, political
13 opinion, marital status, age, physical or mental handicap, or physical appearance and thereby
14 made wrongful and illegal pursuant to and in accordance with the provisions of, the Equal
15 Employment Opportunity Act of 1972 (Public Law 92-261), as amended, Sections 17 through
16 20, titled "Discrimination in Employment," of Article 49B, titled "Human Relations
17 Commission," of the Annotated Code of Maryland, as amended, and the Human Relations Act
18 for Prince George's County, Maryland, as said statutes or laws were enacted and as they may be
19 amended from time to time; provided, however, that the foregoing shall not be construed to
20 prevent an appointing authority, supervisor, or the Director of Human Resources Management
21 from taking any action which is declared not to be a wrongful employment practice under the
22 provisions of the aforesaid statutes or laws, including, but not limited to, any action taken on the
23 basis of any such employee's or applicant's race, sex, gender identity, sexual orientation, color,
24 religion, creed, country of national origin, political opinion, marital status, age, physical or
25 mental handicap, or physical appearance where it can be demonstrated that any of said
26 characteristics with respect to any such employee or applicant constitutes a bona fide,
27 occupational qualification reasonably necessary to the normal operation of County government.
28 As defined herein, the term "discrimination" or "discriminatory action" shall also include any
29 action taken by an appointing authority, supervisor, or the Director of Human Resources
30 Management with respect to any such employee or applicant for employment because of any
31 such employee's or applicant's membership or nonmembership in a labor organization, as said

1 term is defined under Section 13A-102(h) of Subtitle 13A of the Prince George's County Code of
2 Ordinances and Resolutions, titled "Labor Code," except as may be otherwise provided by law.

3 * * * * *

4 SECTION 5. BE IT ENACTED that Section 31-122 of the Prince George's County Code be and
5 the same is hereby repealed and reenacted with the following amendments:

6 **SUBTITLE 31. PRINCE GEORGE’S COUNTY SUPPLEMENTAL HIGHER**
7 **EDUCATION LOAN AUTHORITY.**

8 **Sec. 31-122. Nondiscrimination and affirmative action.**

9 In the exercise of its powers, functions and duties, including the making of loans and the
10 employment of personnel, the Authority shall not discriminate on the basis of race, color,
11 religion, creed, sex, gender identity, or national origin, and shall recognize the affirmative action
12 policies of the County.

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

20 SECTION 7. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
21 calendar days after it becomes law.

Adopted this ____ day of _____, 2014.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.