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

Legislative Session

1992

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Bill No. \_\_\_\_\_ CB-48-

1992

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Chapter No.

21

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Proposed and Presented by Council Member  
Pemberton

Introduced by Council Members Pemberton, Bell,  
Fletcher,

\_\_\_\_\_ and Del

Giudice

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Co-Sponsors

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Date of Introduction May 5,

1992

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**BILL**

AN ACT concerning

Human Relations Code

FOR the purpose of clarifying certain provisions of the Code relating to discrimination in housing and residential real estate transactions; amending certain provisions concerning the filing of complaints and conciliation agreements; prohibiting

discrimination in the brokering, listing and appraisal of residential real estate; removing references to certain design and construction of new multi-family dwellings which are fully enforced under the Building Code; amending certain exemptions regarding discrimination on age and familial status; amending certain monetary remedies; and generally relating to fair housing provisions.

BY repealing and reenacting with amendments:

**SUBTITLE 2. ADMINISTRATION.**

Sections 2-186,

2-195.1,

2-197,

2-201,

2-203,

2-208, and

2-210,

The Prince George's County Code

(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-186, 2-195.1, 2-197, 2-201, 2-203, 2-208, and 2-210 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 3. ADMINISTRATION.**

**DIVISION 12. HUMAN RELATIONS COMMISSION.**

**Subdivision 1. General Provisions.**

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

(a) As used in this Division:

\* \* \* \* \*

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

\* \* \* \* \*

**Subdivision 3. Enforcement Procedures.**

**Sec 2-195.1. Other Awards and Remedies.**

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

\* \* \* \* \*

(3) Damages may also be awarded to compensate complainant [or respondent] for humiliation and embarrassment

suffered in an amount determined by the Commission panel to be appropriately and reasonably warranted considering all of the circumstances, but in no event shall the amount be in excess of One Hundred Thousand Dollars [(\$1,000.00)] (\$100,000.00).

\* \* \* \* \*

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

\* \* \* \* \*

(c) Any party aggrieved by a final decision by the Commission [in a contested case] is entitled to file an appeal pursuant to Subtitle B of the Maryland Rules of Procedure [, Annotated Code of Maryland].

**Subdivision 4. Investigative Procedures.**

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

(a) Except in cases of discrimination in housing, a 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, 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 (30th) 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. 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. In cases alleging discriminatory housing practices, the Commission shall complete the investigation within one hundred (100) days after receipt of the complaint, unless it is impracticable to do so. Should the 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 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 must notify the complainant and respondent in writing of its reasons therefor.

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

\* \* \* \* \*

(c) [If] Except in cases alleging discrimination in housing, if the Complainant refuses to accept an offer by the Respondent which, in the judgment of the Executive Director, is a reasonable, good faith offer, the Executive Director may dismiss the complaint for failure to make a good faith conciliation attempt. Any Complainant adversely affected by the dismissal may, no later than thirty (30) days after the date of dismissal, appeal to the Commission which shall either

approve the dismissal or order a hearing on the merits.

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

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

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

\* \* \* \* \*

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

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

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

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

\* \* \* \* \*

(1.1) Deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms

or conditions of such access, membership, or participation, or in the selling, brokering, or appraisal of residential real estate on account of race, religion, color, sex, national origin, age, occupation, marital status, political opinion, personal appearance, sexual orientation, physical or mental handicap, or familial status;

\* \* \* \* \*

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

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

(A) The buyer or renter;

(B) A person residing in, or intending or reside in, the [dwelling] housing after it is sold, rented, or made available; or

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

(7) Discriminate against any person in terms, conditions, or privileges of sale or rental of [a dwelling] housing, or in the provisions of services or facilities in

connection with such [dwelling] housing because of a handicap of:

\* \* \* \* \*

(8) For purposes of Subsections (6) and (7), above, discrimination includes:

\* \* \* \* \*

(B) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling [; or].

[(C) In connection with the design and construction of covered multifamily dwellings, which means a building consisting of four (4) or more dwelling units if the building has one (1) or more elevators, and "ground floor" dwelling units in other buildings consisting of four (4) or more dwelling units, for first occupancy after March 13, 1991, a failure to design and construct those dwelling in such a manner that:

(i) The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(ii) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) All premises within such dwellings contain

the following features of adaptive design:

(aa) An accessible route into and through the dwelling;

(bb) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(cc) Reinforcements in bathroom walls to allow later installation of grab bars; and

(dd) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.]

\* \* \* \* \*

(b) Discrimination based on age or familial status as defined in Section 2-186 shall not be wrongful with regard to housing operated in connection with any [medical, health or educational institution, or with regard to any domiciliary,] retirement, or senior citizen home or housing [,or with regard to any pre-school children's home or facility].

[Discrimination shall not be wrongful with regard to the leasing of a room(s) or apartment(s) in an owner-occupied dwelling consisting of not more than three (3) rental units except as specified in (a) (4) of this Section.] The provisions regarding age or familial status shall not apply to : (1) housing provided under any Federal or State program that the Executive Director determines, as consistent with the U.S. Department of Housing and Urban Development, is specifically

designed and operated to assist elderly persons [,] ; (2) to housing intended for and solely occupied by persons sixty-two (62) years of age or older [,] ; or (3) to housing intended and operated for occupancy by at least one person fifty- five (55) years of age or older per unit, provided that the housing satisfies the requirements of Title 24, Code of Federal Regulations, Section 100:304.

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

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

(e) Nothing in this Division shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, age, occupation, marital

status, political opinion, personal appearance, sexual orientation, physical or mental handicap, or familial status.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 26th day of May, 1992.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

\_\_\_\_\_

Richard J. Castaldi  
Chairman

ATTEST:

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Joyce T. Sweeney  
Acting Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

\_\_\_\_\_

BY:

Parris N. Glendening  
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.