

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1991 _____

Bill No. _____ CB-23-1991 _____

Chapter No. _____ 29 _____

Proposed and Presented by The Chairman (by request -
County Executive)

Introduced by Council Members Del Giudice, Bell,
MacKinnon and Mills

Co-Sponsors _____

Date of Introduction May 7, 1991

BILL

AN ACT concerning

Human Relations Code

FOR the purpose of prohibiting discrimination in housing,
employment, law enforcement, education, financial lending, public
accommodations, and commercial real estate practices on the basis of
sexual orientation.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Sections 2-185,

2-186,

2-210, and

2-231.1,

The Prince George's County Code

(1987 Edition, 1989 Supplement, as amended
by CB-30-1990).

SECTION 1. BE IT ENACTED by the County Council of Prince
George's County, Maryland, that Sections 2-185, 2-186, 2-210, and

2-231.1 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 12. HUMAN RELATIONS COMMISSION.

Subdivision 1. General Provisions.

Sec. 2-185. Human Relations Commission; purpose.

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

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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, employment, law

enforcement, education, financial lending, or public accommodations.

* * * * *

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

(15.1) Sexual Orientation shall mean the preference or practice of an individual as to male or female homosexuality, heterosexuality or bisexuality, or being regarded or identified as having such a preference.

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Subdivision 5. Prohibited Acts in Housing.

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

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

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

(2) Include in the terms, conditions or privileges of any

sale, lease, sublease, rental, assignment or other transfer of any housing, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing because of race, religion, color, sex, national origin, age, occupation, marital status, political opinion, personal appearance, sexual orientation, physical or mental handicap or familial status;

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

(4) Print or publish, or cause to be printed or published, any notice, statement, listing or advertisement, or to announce a policy, or use any form of application for purchase, lease, rental or financing of any housing indicating any preference, limitation or specification based upon 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 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;

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Subdivision 9. Prohibited Acts in Commercial Real Estate.

Sec. 2-231.1. Prohibited Acts in Commercial Real Estate.

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

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

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

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

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

(2) For any lending institution, because of race,

religion, color, sex, national origin, age, occupation, marital status, political opinion, personal appearance, sexual orientation, physical or mental handicap or familial status to:

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

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

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

(4) For any person to assist in, compel, or coerce the

doing of any unlawful practice under this subdivision, to obstruct or prevent enforcement or compliance with this subdivision, or to attempt directly or indirectly to commit any unlawful practice.

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

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

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

(C) Place a sign or display any other device either purporting to offer for sale, lease, assignment, transfer, or other disposition, or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of any commercial real estate that is not in fact available or offered for sale, lease, assignment, transfer, or other disposition, because of race, religion, color, sex, national origin, age,

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

(6) For any person, real estate broker, or real estate salesperson to deny any other person or real estate broker or real estate salesperson 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 buying, selling, or renting commercial real estate, or to discriminate against that person in the terms or conditions of such access, membership, or participation because of race, religion, color, sex, national origin, age, occupation, marital status, political opinion, personal appearance, sexual orientation, physical or mental handicap or familial status.

(7) This Section does not apply to religious institutions or organizations or charitable or educational organizations operated, supervised, or controlled by religious institutions or organizations which give preferences to members of the same religion in a commercial real estate transaction, as long as membership in such religion is not restricted by 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 4th day of June, 1991.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Parris N. Glendening
County Executive

KEY:

Underscoring indicates language added to existing law.
Asterisks *** indicate intervening existing Code provisions that
remain unchanged.