

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-61-2020

Chapter No. _____

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

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

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, clarifying roles and authority of the Human Relations Commission and the appointed
7 Commissioners, and re-establishing the Human Relations Commission as separate and apart
8 from the Office of Community Relations.

9 BY repealing and reenacting with amendments:

10 SUBTITLE 2. ADMINISTRATION.

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

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

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21 repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

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

SUBDIVISION 1. GENERAL PROVISIONS.

Sec. 2-185. [Human Relations Commission] Office of Human Rights; 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] disability, [or]familial status, or gender identity. Discriminatory practices based upon the foregoing criteria are declared to be contrary to the public policy of the County.

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

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

Sec. 2-186. Definitions.

(a) As used in this Division:

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

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

(3) Discrimination shall mean acting, or failing to act, or unduly delaying

1 any action regarding any person because of race, religion, color, sex, national origin,
 2 age (except as required by State or [f]Federal law), occupation, familial status, marital
 3 status, political opinion, personal appearance, sexual orientation, [or physical or
 4 mental handicap]disability, or gender identity, in such a way that such person is
 5 adversely affected in the areas of housing and residential real estate, employment, law
 6 enforcement, education, [financial lending], public accommodations, or commercial
 7 real estate.

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

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

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

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

25 [(7.1)](8)Familial status shall mean one or more individuals, [(]who have
 26 not attained the age of eighteen (18) years[])], being domiciled with a parent or
 27 another person having legal custody of such individual or individuals; or the designee
 28 of such parent or other person having such custody, with the written permission of
 29 such parent or other person. The protections afforded against discrimination on the
 30 basis of familial status shall be extended to any person who is pregnant or is in the
 31 process of securing legal custody of any individual who has not attained the age of 18

1 years.

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

6 [8](10) Housing shall mean any dwelling for the use of one (1) or more
 7 individuals, groups or families, any mobile home site, and any land offered for sale or
 8 lease for the construction of such dwelling, building, structure, or mobile home site.

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

13 [10](12) Labor organization shall mean a person or organization which exists
 14 for the purpose, in whole or in part, of dealing with employers concerning grievances,
 15 labor disputes, wages, rates of pay, hours, or other terms or conditions of
 16 employment, and any conference, general committee, joint or system board, or joint
 17 council so engaged which is subordinate to a national or international labor
 18 organization.

19 [11](13) Lending Institution shall mean any bank, insurance company, savings
 20 and loan association, or any other person or organization regularly engaged in the
 21 business of lending money or guaranteeing loans within the County.

22 [12](14) Occupation shall keep its common meaning. In addition, under this
 23 Division it shall mean [the]a principal lawful activity[of one's life]. Persons to be
 24 protected include, but are not limited to students, [welfare]recipients of government
 25 assistance, retired persons, or [physically or mentally handicapped]persons with
 26 disabilities as defined in this Division, and any persons irrespective of income, who
 27 are denied the equal protection of the laws.

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

31 [13](16) Person shall include one (1) or more individuals, labor unions,

1 partnerships, associations, corporations, legal representatives, mutual companies, joint
 2 stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy,
 3 agents, or receivers.

4 [14](17) Personal appearance shall mean the outward appearance of any person
 5 irrespective of sex, with regard to bodily condition or characteristics, manner or style
 6 of dress, and manner or style of personal grooming, including, but not limited to hair
 7 style[,] or beards[, or manner of dress]. It shall not relate, however, to the requirement
 8 of cleanliness, uniforms, or prescribed attire when uniformly applied for admittance to
 9 a public accommodation or a class of employees for a customary or reasonable
 10 business.

11 [14.1](18) [Physical or mental handicap] Disability shall mean a[n] physical or
 12 mental impairment which substantially limits one or more of [such]a person's major
 13 life activities, [or] a record of having such an impairment, or being regarded as having
 14 such an impairment.[, which shall include, but not be limited to, any degree of
 15 paralysis, amputation, lack of physical coordination, blindness or visual impairment,
 16 deafness or hearing impairment, muteness or speech impediment, or physical reliance
 17 on a seeing eye dog, wheelchair, or other remedial appliance or device; and any mental
 18 impairment or deficiency such as, but not limited to, retardation or such other condition
 19 which may have necessitated remedial or special education and related services; but
 20 such term does not include current, illegal use of, or addiction to, a controlled
 21 dangerous substance as defined by Maryland law.]

22 [14.2](19) Place of public accommodation shall include, but not be limited to,
 23 any wholesale or retail store, inn, hotel, motel, or other establishment which provides
 24 lodging to transient persons; or any restaurant, cafeteria, lunch room, lunch counter,
 25 soda fountain, or other facility at which food or alcoholic beverages are sold for
 26 consumption on the premises; or any gasoline station, motion picture house, theatre,
 27 concert hall, sports arena, stadium, or place of exhibition or entertainment.

28 [15](20) Political opinion shall mean the opinions of persons relating to
 29 government, or the conduct of government; or related to political parties authorized to
 30 participate in [primary]elections in the State.

31 [15.1](21) Sexual Orientation shall include, but is not limited to, [mean]the

1 preference or practice of an individual as to [male or female]homosexuality,
 2 heterosexuality, or bisexuality, or being regarded or identified as having such a
 3 preference.

4 [16] (22) Solicit shall mean to request, invite, or induce, for monetary gain, by
 5 the following means:

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

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

11 (C) Distributing handbills, circulars, or other advertising matter on
 12 private property or private vehicles, except as requested by owners of such
 13 property or vehicles.

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

16 [17] (23) Source of income means any lawful verifiable source of money paid
 17 directly or indirectly to a renter or a buyer of a housing unit, including:

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

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

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

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

29 (E) Any sale or pledge of property if the sale or pledge will result in
 30 proceeds inuring to the recipient's benefit within sixty days of the application
 31 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.

* * * * *

Sec. 2-189. Hearing Panels; subcommittees.

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

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

1 Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (a) The [Commission]Agency shall have authority and power to make such surveys
 21 and studies concerning human [relations]and civil rights, conditions and problems as it may
 22 determine, and to promote in every way possible the betterment of human relations. In making
 23 such studies and surveys, the [Commission]Agency shall be authorized to expend any funds
 24 which may be provided for in regular or supplementary appropriations. On the basis of such
 25 studies or surveys, the [Commission]Agency shall recommend to the County Executive and/or
 26 the Council additional legislation or changes in existing legislation as may be deemed
 27 appropriate.

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

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

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

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

13 **SUBTITLE 2. ADMINISTRATION.**

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

15 **SUBDIVISION 3. ENFORCEMENT PROCEDURES.**

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

17 (a) In the administration and enforcement of the provisions of these several
 18 subdivisions, the Commission has power to administer oaths[,] and, upon majority vote of the
 19 full body of the Commission, to issue subpoenas[,] for persons or documents during
 20 investigations, to compel for the taking of interrogatories and depositions, and to compel for a
 21 formal hearing the attendance for testimony of witnesses and the production of records and
 22 documents relevant or necessary for proceedings under the particular subdivision[, and to compel
 23 the taking of interrogatories and depositions].

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

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

28 (2) Personal service of process by:

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

31 (B) The sheriff or deputy sheriff of the political subdivision in which
 32 is located the residence of the person or the main office of the firm, association,

1 partnership or corporation against whom or which the subpoena is issued.

2 (c) Enforcement of subpoena.

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

7 (2) After notice to the person subpoenaed as a witness or directed to produce
 8 records and documents, and upon a finding that the attendance and testimony of the
 9 witness or the production of the records and documents is relevant or necessary for the
 10 proceedings of the Commission, the court may issue an order requiring the attendance
 11 and testimony of the witness and the production of the records and documents. Any
 12 failure to obey such an order of the court may be punished as contempt of court.

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

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

21 (b) Such order must be reasonably related to the violation[,] and may include a
 22 requirement of reimbursement of actual expenses to the complainant arising out of the wrongful
 23 conduct of the respondent, and in employment cases may include the awarding of back pay and
 24 reimbursement of actual expenses caused by wrongful conduct of the respondent to a
 25 complainant employee.

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

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

31 (1) Should the complainant's personal property be damaged, the complainant

1 may be awarded damages not exceeding any expenses actually incurred in repairing the
 2 damage or in replacing the property, if such replacement is found by the Commission to
 3 be necessary.

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

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

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

18 (b) In addition to other awards and relief set forth above, the Commission may
 19 impose a civil fine up to Ten Thousand Dollars (\$10,000.00), in accordance with the standards of
 20 proof set forth in Section 2-195, on a respondent found to have violated any of the provisions of
 21 this Division. The [Commission]Agency may also negotiate and collect the payment of civil
 22 fines and assessments without holding a public hearing, as part of the conciliation procedure set
 23 forth in Section 2-203. The terms of the negotiated conciliation agreement between the
 24 respondent and the Executive Director, shall be included in a written consent agreement, and if
 25 approved by a majority vote of the full body of Commissioners, [may]shall be incorporated into
 26 an order of the Commission, as set forth in Section 2-203.

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

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

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

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

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

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

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

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

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

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

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

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

(c) Any person who violates the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined no more than One Thousand Dollars (\$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

1 be provided by the [Commission]Agency, a signed statement setting forth the suspected
 2 violation. In cases of discrimination in housing, the investigation shall be initiated before the end
 3 of the thirtieth (30th) day after the receipt of the statement setting forth the alleged discriminatory
 4 housing practice that has occurred or that the complainant believes is about to occur. A statement
 5 alleging discriminatory housing practices must be filed no later than three hundred sixty (360)
 6 days after the date of the alleged violation. A statement alleging harassment against an employer
 7 shall be filed no later than two (2) years after the date of the alleged violation. In all cases, the
 8 statement shall contain the name and address of the complainant[, who may be a member of the
 9 Commission or its staff,] and such other information as may be required by the
 10 [Commission]Agency. In cases alleging discriminatory housing practices, the
 11 [Commission]Agency shall complete the investigation within one hundred (100) days after
 12 receipt of the complaint, unless it is impracticable to do so. Should the [a]Agency be unable to
 13 complete the investigation within one hundred (100) days, it shall notify the complainant and
 14 respondent in writing of the reasons for not doing so. The [Commission]Agency shall make final
 15 administrative disposition of a complaint within one (1) year of the date of receipt of a
 16 complaint, unless it is impracticable to do so. In such case, the [Commission]Agency must notify
 17 the complainant and respondent in writing of its reasons[therefor].

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

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

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

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

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

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

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

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

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

19 (a) Formal hearings shall be convened in cases in which conciliation or mediation has
 20 failed. After the entry of a finding to that effect or not later than ninety (90) days after the
 21 Executive Director determines a violation has occurred, the [entire file including the]complaint
 22 and any and all findings shall be certified to the Commission. The [Chairman]Chairperson shall
 23 cause a written notice to be issued and served in the name of the Commission together with a
 24 copy of the complaint, requiring the respondent to answer the charges of the complaint at a
 25 public hearing before the Commission at such time and place as may be certified in the notice.

26 (b) The [Chairman]Chairperson shall thereupon assign the case to be heard before
 27 either the full body of Commissioners[,] or a [tribunal consisting of the appropriate Committee
 28 or] Panel of Commissioners as described in Section 2-189. A transcript of all testimony at the
 29 hearing shall be made. The case in support of the complaint shall be presented at the hearing by
 30 the Executive Director. No Commissioner who previously made or participated in the
 31 investigation or caused the complaint to be filed shall participate in the hearing as a witness, nor

1 shall s/he participate in the deliberations [of the tribunal]in such case.

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

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

8 * * * * *

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

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

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

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

24 (a) During the investigation of any complaint alleging a violation of Subdivisions 5,
25 6, [and]7, 8, 9, and 10 of this Division, and until the matters reach the stage of public hearings,
26 the activities of all members of the [Commission and employees thereof]Office of Human
27 Rights, including its Commission, in connection with the investigation shall be conducted
28 without publicity.

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

- 31 (1) Any information may be released at any time if the release has been agreed

1 to in writing by both complainant and respondent;

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

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

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

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

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

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

19 **SUBTITLE 2. ADMINISTRATION.**

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

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

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

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

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

1 citizenship status, or source of income;

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

11 [(2)](3) Include in the terms, conditions, or privileges of any sale, lease, sublease,
 12 rental, assignment, or other transfer of any housing, any clause, condition, or restriction
 13 discriminating against any person in the use or occupancy of such housing because of
 14 race, religion, color, sex, national origin, [immigration status, citizenship status, source of
 15 income,] age (except as required by State or Federal law), occupation, marital status,
 16 political opinion, personal appearance, sexual orientation, [physical or mental]disability,
 17 [or]familial status, gender identity, immigration status, citizenship status, or source of
 18 income;

19 [(3)](4) Discriminate in the furnishings of any facilities, repairs, improvements, or
 20 services, or in the terms, conditions, privileges, or tenure of occupancy of any person
 21 because of race, religion, color, sex, national origin, [immigration status, citizenship
 22 status, source of income,] age (except as required by State or Federal law), occupation,
 23 marital status, political opinion, personal appearance, sexual orientation, [physical or
 24 mental]disability, [or]familial status, gender identity, immigration status, citizenship
 25 status, or source of income;

26 [(4)](5) Print or publish, or cause to be printed or published, any notice, statement,
 27 listing or advertisement, or to announce a policy, or use any form of application for
 28 purchase, lease, rental, or financing of any housing indicating any preference, limitation,
 29 or specification based upon race, religion, color, sex, national origin, [immigration status,
 30 citizenship status, source of income,] age (except as required by State or Federal law),
 31 occupation, marital status, political opinion, personal appearance, sexual orientation,

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

3 [(5)](6)Induce or attempt to induce any person to sell or rent any housing by
 4 representations regarding the entry or prospective entry into the neighborhood of a person
 5 or persons of a particular race, color, religion, 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, source of income;

10 [(6)](7)Discriminate in the sale or rental, or otherwise make unavailable or deny,
 11 housing to any buyer or renter because of a disability of:

12 (A) The buyer or renter;

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

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

16 [(7)](8)Discriminate against any person in terms, conditions, or privileges of sale
 17 or rental of housing, or in the provisions of services or facilities in connection with such
 18 housing, because of a disability of:

19 (A) The person; or

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

22 (C) Any person associated with the person.

23 [(8)](9)For purposes of Subsections [(6)](7) and [(7)](8), above, discrimination
 24 includes:

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

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

4 (C) A failure to construct a covered multifamily dwelling in
 5 accordance with the Building Code with regard to accessibility by a person with a
 6 disability.

7 ~~[(9)](10)~~Discriminate by inquiring about immigration status or citizenship status
 8 in connection with the sale, lease, sublease, assignment, or other transfer of a housing unit,
 9 unless to comply with a federal or state law or a court order.

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

13 ~~[(11)](12)~~Discriminate in the sale, lease, sublease, assignment, or other transfer of
 14 a housing unit by requiring proof of immigration status or citizenship status, such as a
 15 social security number, without providing an alternative that does not reveal immigration
 16 status or citizenship status, such as an individual taxpayer identification number.

17 ~~[(12)](13)~~Discriminate by disclosing, reporting, or threatening to disclose or
 18 report immigration status or citizenship status to anyone, including an immigration
 19 authority, law enforcement agency, or local, state, or federal agency, for the purpose of
 20 inducing a person to vacate the housing unit or for the purpose of retaliating against a
 21 person for the filing of a claim or complaint.

22 ~~[(13)](14)~~Discriminate by evicting a person from a housing unit or by otherwise
 23 attempting to obtain possession of a housing unit because of the person's immigration status
 24 or citizenship status unless the remedy is sought to comply with a federal or state law or a
 25 court order.

26 ~~[(14)](15)~~Nothing in this Subsection requires that housing be made available to an
 27 individual whose tenancy would constitute a direct threat to the health or safety of other
 28 individuals or whose tenancy would result in substantial physical damage to the property of
 29 others.

30 (b) Discrimination based on age or familial status as defined in Section 2-186 shall
 31 not be wrongful with regard to housing operated in connection with any retirement or senior

1 citizen home or housing which is:

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

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

7 (3) Intended and operated for occupancy by at least one person fifty-five (55)
8 years of age or older per unit, provided that the housing satisfies the requirements of Title
9 24, Code of Federal Regulations, Section 100:304.

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

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

17 (e) Nothing in this Division shall prohibit a religious organization, association, or
18 society, or any nonprofit institution or organization operated, supervised, or controlled by or in
19 conjunction with a religious organization, association, or society, from limiting the sale, rental,
20 or occupancy of housing which it owns or operates, for other than commercial purposes, to
21 persons of the same religion, or from giving preference to such persons, unless membership in
22 such religion is restricted on account of race, color, sex, national origin, [immigration status,
23 citizenship status, source of income,] age (except as required by State or Federal law),
24 occupation, marital status, political opinion, personal appearance, sexual orientation, [physical or
25 mental]disability, [or]familial status, gender identity, immigration status, citizenship status, or
26 source of income.

27 * * * * *

28 **SUBTITLE 2. ADMINISTRATION.**

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

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

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

32 No owner or operator of a place of public accommodation, located in the County, or the

1 agent of any owner or operator of such place of public accommodation, shall deny to any person
2 any of the accommodations, advantages, facilities, or privileges, of such a place of public
3 accommodation because of discrimination; provided, however, that nothing in this Section shall
4 be construed or interpreted to prohibit any owner or operator of any such establishment, or any
5 agent or employee thereof, from the right to deny service to any person for failure to conform to
6 the usual and regular requirements, standards and regulations for such establishment so long as
7 the denial is not based upon discrimination as defined in Section 2-186; and provided further,
8 however, that discrimination based on a person's disability[physical or mental handicap] as
9 defined in Section 2-186 shall not be wrongful with regard to the failure of any owner or
10 operator of any such establishment, or any agent or employee thereof, to fail or refuse to
11 renovate, alter or modify any such establishment in order to accommodate any person with a
12 [physical or mental handicap]disability, as defined herein, except as otherwise required by the
13 Building Code for Prince George's County, Maryland.

14 * * * * *

15 **SUBTITLE 2. ADMINISTRATION.**

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

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

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

19 (a) Nothing in this Subdivision shall prohibit the hiring, assignment, compensation,
20 or discharge of persons by an employer, the classification or referral of persons for employment
21 by an employment agency, the classification of members of a labor organization, or the
22 admission to any program of apprenticeship, training, or retraining because of discrimination
23 where it can be demonstrated that it is a bona fide occupational qualification which is reasonable,
24 necessary, and relevant to the normal operation of a particular business or enterprise.

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

32 * * * * *

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

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

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

Notwithstanding the provisions of Section 2-229, if a complaint [filed with the Commission]received by the Office of Human Rights involves a member of the Prince George's

1 County Police Department, the [Commission]Agency shall forward a copy of the complaint and
 2 all related documents to the Chief of Police and to the Citizen Complaint Oversight Panel[,
 3 within one (1) working day after the receipt of the complaint by the Commission].

4 **SUBTITLE 2. ADMINISTRATION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (A) Induce or attempt to induce, by direct or indirect methods, any
21 person to transfer commercial real estate by representations regarding the existing
22 or potential proximity of real estate owned, used, or occupied by any person of
23 any particular race, religion, color, sex, national origin, age (except as required by
24 State or Federal law), occupation, marital status, political opinion, personal
25 appearance, sexual orientation, [physical or mental handicap]disability, [or
26]familial status, or gender identity.

27 (B) Represent to any prospective purchaser or lessee that any
28 commercial real estate in a particular area may undergo, is undergoing, or has
29 undergone a change with respect to race, religion, color, sex, national origin, age
30 (except as required by State or Federal law), occupation, marital status, political
31 opinion, personal appearance, sexual orientation, [physical or mental

1 handicap]disability, [or]familial status, or gender identity of occupants of such
 2 area.

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

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

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

29 **SUBTITLE 2. ADMINISTRATION.**

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

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

32 **Sec. 2-231.03. Definitions.**

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

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

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

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

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

14 [(5) Director shall mean the Executive Director of the Human Relations
15 Commission.]

16 [6](5) Employment shall mean:

17 (A) Any work for compensation; and

18 (B) Any form of vocational or educational training, with or
19 without compensation.

20 [7](6) Employee shall mean a person permitted or instructed to work or be
21 present by an employer in the County.

22 [8](7) Employer shall mean any person, individual, proprietorship, partnership,
23 joint venture, corporation, limited liability company, trust, association, or other entity
24 operating and doing business in the County that employs twenty-five (25) or more
25 persons full-time in the County. Employer includes the County government, but does
26 not include the United States, any State, or any other local government.

27 [9](8) Inquiry or Inquire shall mean any direct or indirect conduct intended to
28 gather information, using any mode of communication.

29 [10](9) Vulnerable adult shall mean an adult who lacks the physical or mental
30 capacity to provide for his or her own daily needs.

31 * * * * *

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

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

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

11 (1) provide the applicant with a copy of any criminal record report;

12 (2) notify the applicant, in writing, of the intention to rescind the offer of
 13 employment and the items that are the basis for the intention to rescind the offer of
 14 employment; and

15 (3) delay rescinding the offer of employment for seven (7) days to permit the
 16 applicant to give the employer notice of inaccuracy of an item or items on which the
 17 intention to rescind the offer of employment is based. The applicant must receive in
 18 writing from the employer his or her right under this provision.

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

22 **Sec. 2-231.06. Exemptions.**

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

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

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

1 **Sec. 2-231.07. Enforcement.**

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

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

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

8 **Sec. 2-231.08. Reporting.**

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

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

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

23 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on October 1,
24 2020.

Adopted this ____ day of _____, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council 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.

* * * * *