

# HOUSE BILL 1262

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By: **Delegate Hill**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Employment Discrimination and Discriminatory Housing**  
3 **Practices – Revisions**

4 FOR the purpose of altering the definition of “employer” by reducing the minimum number  
5 of employees an employer is required to have for purposes of certain provisions of  
6 law prohibiting discrimination in employment; extending the time periods within  
7 which a person claiming to be aggrieved by certain discriminatory acts is required to  
8 file a complaint with the Commission on Civil Rights; and generally relating to  
9 employment and housing discrimination.

10 BY repealing and reenacting, without amendments,  
11 Article – State Government  
12 Section 20–601(a) and 20–1020(a), (b), and (e)  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – State Government  
17 Section 20–601(d), 20–1004, and 20–1021(a)  
18 Annotated Code of Maryland  
19 (2014 Replacement Volume and 2018 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

22 **Article – State Government**

23 20–601.

24 (a) In this subtitle the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) “Employer” means:

2 (i) a person that:

3 1. is engaged in an industry or business; and

4 2. has **[15] FIVE** or more employees for each working day in  
5 each of 20 or more calendar weeks in the current or preceding calendar year; and

6 (ii) an agent of a person described in item (i) of this paragraph.

7 (2) “Employer” includes the State to the extent provided in this title.

8 (3) Except for a labor organization, “employer” does not include a bona fide  
9 private membership club that is exempt from taxation under § 501(c) of the Internal  
10 Revenue Code.

11 20–1004.

12 (a) Any person claiming to be aggrieved by an alleged discriminatory act may file  
13 a complaint with the Commission.

14 (b) The complaint shall:

15 (1) be in writing;

16 (2) state:

17 (i) the name and address of the person or State or local unit alleged  
18 to have committed the discriminatory act; and

19 (ii) the particulars of the alleged discriminatory act;

20 (3) contain any other information required by the Commission; and

21 (4) be signed by the complainant under oath.

22 (c) (1) A complaint shall be filed within **[6] 18** months after the date on which  
23 the alleged discriminatory act occurred.

24 (2) A complaint filed with a federal or local human relations commission  
25 within **[6] 18** months after the date on which the alleged discriminatory act occurred shall  
26 be deemed to have complied with this subsection.

27 (d) The Commission, on its own motion, and by action of at least three  
28 commissioners, may issue a complaint in its name in the same manner as if the complaint  
29 had been filed by an individual, if:

1 (1) the Commission has received reliable information from an individual  
2 that a person has been or is engaged in a discriminatory act; and

3 (2) after a preliminary investigation by the Commission's staff authorized  
4 by the chair or vice-chair, the Commission is satisfied that the information warrants the  
5 filing of a complaint.

6 20-1020.

7 (a) In this part the following words have the meanings indicated.

8 (b) "Aggrieved person" means any person that claims to have been injured by a  
9 discriminatory housing practice.

10 (e) "Discriminatory housing practice" means an act that is prohibited under §  
11 20-705, § 20-706, § 20-707, or § 20-708 of this title.

12 20-1021.

13 (a) (1) An aggrieved person may file a complaint with the Commission alleging  
14 a discriminatory housing practice.

15 (2) The complaint shall be filed within [1 year] **18 MONTHS** after the  
16 alleged discriminatory housing practice occurred or terminated.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2019.