
By: **Chairman, Commerce and Government Matters Committee**
(Departmental - Human Relations Commission)

Introduced and read first time: January 20, 1999
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations Commission - Disability**

3 FOR the purpose of substituting the word "disability" for "handicap", "physical or
4 mental handicap", and certain other terms in certain provisions of law regarding
5 human relations and discrimination; making certain technical changes; and
6 generally relating to the Human Relations Commission and discrimination
7 based on disability.

8 BY repealing and reenacting, with amendments,
9 Article 49B - Human Relations Commission
10 Section 5(a) and (b), 8(a), 14, 16, 19(a), 20(t), 22(a), 23, and 37(a)
11 Annotated Code of Maryland
12 (1998 Replacement Volume)

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

15 **Article 49B - Human Relations Commission**

16 5.

17 (a) It is unlawful for an owner or operator of a place of public accommodation
18 or an agent or employee of the owner or operator, because of the race, creed, sex, age,
19 color, national origin, marital status, or [physical or mental handicap,] DISABILITY of
20 any person, to refuse, withhold from, or deny to such person any of the
21 accommodations, advantages, facilities and privileges of such place of public
22 accommodation.

23 (b) Nothing in this section shall be construed or interpreted to prohibit the
24 proprietor of any establishment, or the employees of the establishment, from the right
25 to deny service to any person for failure to conform to the usual and regular
26 requirements, standards and regulations for the establishment so long as the denial
27 is not based upon discrimination on the grounds of race, sex, age, color, creed,
28 national origin, marital status, or [physical or mental handicap] DISABILITY.

1 8.

2 (a) It is unlawful for any person, business, corporation, partnership,
3 copartnership or association or any other individual, agent, employee, group or firm
4 which is licensed or regulated by a unit in the Department of Labor, Licensing, and
5 Regulation as set out in § 2-108 of the Business Regulation Article to refuse, withhold
6 from, deny or discriminate against any person the accommodations, advantages,
7 facilities, privileges, sales, or services because of the race, sex, creed, color, national
8 origin, marital status, or [physical or mental handicap] DISABILITY of any person.
9 Nothing in this section shall be construed or interpreted to prohibit any person,
10 business, corporation, partnership, copartnership, association or any other individual,
11 agent, employee, group or firm which is licensed or regulated by the Department of
12 Labor, Licensing, and Regulation from the right to refuse, withhold from, or deny any
13 person for failure to conform to the usual and regular requirements, standards, and
14 regulations of any person, business, corporation, partnership, copartnership, or
15 association contemplated by this section so long as the denial is not based upon
16 discrimination on the grounds of race, sex, color, creed, or national origin, marital
17 status, or [physical or mental handicap] DISABILITY.

18 14.

19 It is hereby declared to be the policy of the State of Maryland, in the exercise of
20 its police power for the protection of the public safety, public health and general
21 welfare, for the maintenance of business and good government and for the promotion
22 of the State's trade, commerce and manufacturers to assure all persons equal
23 opportunity in receiving employment and in all labor management-union relations
24 regardless of race, color, religion, ancestry or national origin, sex, age, marital status,
25 or [physical or mental handicap] DISABILITY unrelated in nature and extent so as to
26 reasonably preclude the performance of the employment, and to that end to prohibit
27 discrimination in employment by any person, group, labor organization, organization
28 or any employer or his agents.

29 16.

30 (a) It shall be an unlawful employment practice for an employer:

31 (1) To fail or refuse to hire or to discharge any individual, or otherwise to
32 discriminate against any individual with respect to his compensation, terms,
33 conditions, or privileges of employment, because of such individual's race, color,
34 religion, sex, age, national origin, marital status, or [physical or mental handicap]
35 DISABILITY unrelated in nature and extent so as to reasonably preclude the
36 performance of the employment; or

37 (2) To limit, segregate, or classify his employees or applicants for
38 employment in any way which would deprive or tend to deprive any individual of
39 employment opportunities or otherwise adversely affect his status as an employee,
40 because of the individual's race, color, religion, sex, age, national origin, marital
41 status, or [physical or mental handicap] DISABILITY unrelated in nature and extent
42 so as to reasonably preclude the performance of the employment[;].

1 (b) It shall be an unlawful employment practice for an employment agency to
2 fail or refuse to refer for employment, or otherwise to discriminate against, any
3 individual because of his race, color, religion, sex, age, national origin, marital status,
4 or [physical or mental handicap] DISABILITY unrelated in nature and extent so as to
5 reasonably preclude the performance of the employment, or to classify or refer for
6 employment any individual on the basis of his race, color, religion, sex, age, national
7 origin, marital status, or [physical or mental handicap] DISABILITY unrelated in
8 nature and extent so as to reasonably preclude the performance of the
9 employment[;].

10 (c) It shall be an unlawful employment practice for a labor organization: (1) to
11 exclude or to expel from its membership, or otherwise to discriminate against, any
12 individual because of his race, color, religion, sex, age, national origin, marital status,
13 or [physical or mental handicap] DISABILITY unrelated in nature and extent so as to
14 reasonably preclude the performance of the employment; (2) to limit, segregate or
15 classify its membership, or to classify or fail or refuse to refer for employment any
16 individual, in any way which would deprive or tend to deprive any individual of
17 employment opportunities, or would limit such employment opportunities or
18 otherwise adversely affect his status as an employee or as an applicant for
19 employment, because of such individual's race, color, religion, sex, age, national
20 origin, marital status, or [physical or mental handicap] DISABILITY unrelated in
21 nature and extent so as to reasonably preclude the performance of the employment; or
22 (3) to cause or attempt to cause an employer to discriminate against an individual in
23 violation of this section[;].

24 (d) It shall be an unlawful employment practice for any employer, labor
25 organization, or joint labor-management committee controlling apprenticeship or
26 other training or retraining, including on-the-job training programs to discriminate
27 against any individual because of his race, color, religion, sex, age, national origin,
28 marital status, or [physical or mental handicap] DISABILITY unrelated in nature or
29 extent so as to reasonably preclude the performance of the employment in admission
30 to, or employment in, any program established to provide apprenticeship or other
31 training[;].

32 (e) It is an unlawful employment practice for an employer, labor organization,
33 or employment agency to print or cause to be printed or published any notice or
34 advertisement relating to employment by the employer or membership in or any
35 classification or referral for employment by the labor organization, or relating to any
36 classification or referral for employment by the agency, indicating any preference,
37 limitation, specification, or discrimination, based on race, color, religion, sex, age,
38 national origin or on the basis of a [physical or mental qualification] DISABILITY.
39 However, a notice or advertisement may indicate a preference, limitation,
40 specification, or discrimination based on religion, sex, age, national origin or
41 [physical or mental qualification] DISABILITY when religion, sex, age, national origin
42 or [physical or mental qualification] DISABILITY is a bona fide occupational
43 qualification for employment[;].

44 (f) It is an unlawful employment practice for an employer to discriminate
45 against any of his employees or applicants for employment, for an employment agency

1 to discriminate against any individual, or for a labor organization to discriminate
2 against any member thereof or applicant for membership, because he has opposed
3 any practice made an unlawful employment practice by this subtitle or because he
4 has made a charge, testified, assisted, or participated in any manner in an
5 investigation, proceeding, or hearing under this subtitle[;].

6 (g) Notwithstanding any other provision of this subtitle, (1) it is not an
7 unlawful employment practice for an employer to hire and employ employees, for an
8 employment agency to classify, or refer for employment any individual, for a labor
9 organization to classify its membership or to classify or refer for employment any
10 individual, or for an employer, labor organization or joint labor-management
11 committee controlling apprenticeship or other training or retraining programs to
12 admit or employ any individual in any such program, on the basis of his religion,
13 national origin or [physical or mental qualification] DISABILITY in those instances
14 where sex, age, religion, national origin or [physical or mental qualification]
15 DISABILITY is a bona fide occupational qualification reasonably necessary to the
16 normal operation of that particular business or enterprise; (2) it is not an unlawful
17 employment practice for an employer to establish standards concerning an employee's
18 dress and grooming if the standards are directly related to the nature of the
19 employment of the employee; (3) it is not an unlawful employment practice for a
20 school, college, university, or other educational institution or institution of learning to
21 hire and employ employees of a particular religion if the school, college, university, or
22 other educational institution or institution of learning is, in whole or in substantial
23 part, owned, supported, controlled, or managed by a particular religion or by a
24 particular religious corporation, association, or society or if the curriculum of the
25 school, college, university, or other educational institution or institution of learning is
26 directed toward the propagation of a particular religion; and (4) it is not unlawful for
27 an employer, employment agency or labor organization to observe the terms of a bona
28 fide seniority system or any bona fide employee benefit plan such as a retirement,
29 pension or insurance plan, which is not a subterfuge to evade the purposes of this
30 subtitle; however, no employee benefit plan shall excuse the failure to hire any
31 individual[;].

32 (h) Nothing contained in this subtitle shall be interpreted to require any
33 employer, employment agency, labor organization, or joint labor-management
34 committee subject to this subtitle to grant preferential treatment to any individual or
35 to any group because of the race, color, religion, sex, age, national origin or [physical
36 or mental handicap] DISABILITY of the individual or group on account of an
37 imbalance which may exist with respect to the total number or percentage of persons
38 of any race, color, religion, sex, age, national origin or [physically or mentally
39 handicapped] persons WITH DISABILITIES employed by any employer, referred or
40 classified for employment by any employment agency or labor organization, admitted
41 to membership or classified by any labor agency or labor organization, admitted to
42 membership or classified by any labor organization, or admitted to, or employed in,
43 any apprenticeship or other training program, in comparison with the total number or
44 percentage of persons of such race, color, religion, sex, age, national origin, or
45 [physically or mentally handicapped] persons WITH DISABILITIES in any community,
46 State, section, or other area, or in the available work force in any community, State,
47 section, or other area.

1 19.

2 (a) It is the policy of the State of Maryland to provide for fair housing
3 throughout the State of Maryland, to all its citizens, regardless of race, color, religion,
4 sex, familial status, national origin, marital status, or [handicap] DISABILITY; and to
5 that end to prohibit discriminatory practices with respect to residential housing by
6 any person or group of persons, in order that the peace, health, safety, prosperity and
7 general welfare of all the inhabitants of the State may be protected and insured.

8 20.

9 (t) "Restrictive covenants" means any specification limiting the transfer,
10 rental, or lease of any dwelling because of race, color, religion, marital status, sex,
11 familial status, [handicap] DISABILITY, or national origin.

12 22.

13 (a) Except as provided in § 21 of this subtitle, it is unlawful:

14 (1) To refuse to sell or rent after the making of a bona fide offer, or to
15 refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a
16 dwelling to any person because of race, color, religion, sex, [handicap] DISABILITY,
17 marital status, familial status, or national origin;

18 (2) To discriminate against any person in the terms, conditions, or
19 privileges of sale or rental of a dwelling, or in the provision of services or facilities in
20 connection with the sale or rental of a dwelling, because of race, color, religion, sex,
21 [handicap] DISABILITY, marital status, familial status, or national origin;

22 (3) To make, print, or publish, or cause to be made, printed, or published
23 any notice, statement, or advertisement, with respect to the sale or rental of a
24 dwelling that indicates any preference, limitation, or discrimination based on race,
25 color, religion, sex, [handicap] DISABILITY, marital status, familial status, or
26 national origin, or an intention to make any preference, limitation, or discrimination;

27 (4) To represent to any person because of race, color, religion, sex,
28 [handicap] DISABILITY, marital status, familial status, or national origin that any
29 dwelling is not available for inspection, sale, or rental when the dwelling is in fact
30 available;

31 (5) For profit, to induce or attempt to induce any person to sell or rent
32 any dwelling by representations regarding the entry or prospective entry into the
33 neighborhood of a person or persons of a particular race, color, religion, sex,
34 [handicap] DISABILITY, marital status, familial status, or national origin;

35 (6) To discriminate in the sale or rental, or otherwise make unavailable
36 or deny, a dwelling to any buyer or renter because of a [handicap] DISABILITY of:

37 (i) The buyer or renter; or

1 (ii) A person residing in or intending to reside in the dwelling after
2 it is so sold, rented, or made available;

3 (7) To discriminate against any person in the terms, conditions, or
4 privileges of sale or rental of a dwelling, or in the provision of services or facilities in
5 connection with the dwelling, because of a [handicap] DISABILITY of:

6 (i) The person; or

7 (ii) A person residing in or intending to reside in the dwelling after
8 it is so sold, rented, or made available;

9 (8) To refuse to permit, at the expense of the [handicapped] person
10 WITH A DISABILITY, reasonable modifications of existing premises occupied or to be
11 occupied by the individual if:

12 (i) The modifications may be necessary to afford the
13 [handicapped] person WITH A DISABILITY full enjoyment of the dwelling; and

14 (ii) For a rental dwelling, the tenant agrees, at the tenant's
15 expense, to restore, reasonable wear and tear excepted, the interior of the dwelling to
16 the condition that existed before the modification on vacating the dwelling;

17 (9) To refuse to make reasonable accommodations in rules, policies,
18 practices, or services when the accommodations may be necessary to afford [a
19 handicapped] AN individual WITH A DISABILITY equal opportunity to use and enjoy a
20 dwelling; or

21 (10) To fail to design or construct a covered multifamily dwelling for first
22 occupancy as required under subsection (b) of this section.

23 23.

24 (a) (1) It is unlawful for any person or other entity whose business includes
25 engaging in residential real estate related transactions to discriminate against any
26 person in making available a transaction, or in the terms or conditions of a
27 transaction, because of race, color, religion, sex, [handicap] DISABILITY, marital
28 status, familial status, or national origin.

29 (2) Nothing in paragraph (1) of this subsection prohibits a person
30 engaged in the business of furnishing appraisals of real property to take into
31 consideration factors other than race, color, religion, national origin, sex, [handicap]
32 DISABILITY, marital status, or familial status.

33 (b) It is unlawful, because of race, color, religion, sex, [handicap] DISABILITY,
34 marital status, familial status, or national origin, to deny a person access to or
35 membership or participation in a multiple-listing service, real estate brokers'
36 organization or other service, organization, or facility relating to the business of
37 selling or renting dwellings, or to discriminate against a person in the terms or
38 conditions of membership or participation.

1 37.

2 (a) Whether or not acting under color of law it is unlawful for any person, by
3 force or threat of force, to willfully injure, intimidate, interfere with, or attempt to
4 injure, intimidate, or interfere with:

5 (1) Any person because of race, color, religion, sex, [handicap]
6 DISABILITY, marital status, familial status, or national origin and because the person
7 is or has been:

8 (i) Selling, purchasing, renting, financing, occupying, or
9 contracting or negotiating for the sale, purchase, rental, financing, or occupation of
10 any dwelling; or

11 (ii) Applying for or participating in any service, organization, or
12 facility relating to the business of selling or renting dwellings; or

13 (2) Any person because the person is or has been, or in order to
14 intimidate the person or any other person or any class of persons from:

15 (i) Participating without discrimination on account of race, color,
16 religion, sex, [handicap] DISABILITY, marital status, familial status, or national
17 origin in any of the activities, services, organizations, or facilities described in
18 paragraph (1) of this subsection; or

19 (ii) Affording another person or class of persons the opportunity or
20 protection to participate in any of the activities, services, organizations or facilities
21 described in paragraph (1) of this subsection; or

22 (3) Any person because the person is or has been, or in order to
23 discourage the person or any other person from:

24 (i) Lawfully aiding or encouraging other persons to participate,
25 without discrimination on account of race, color, religion, sex, [handicap]
26 DISABILITY, marital status, familial status, or national origin, in any of the activities,
27 services, organizations, or facilities described in paragraph (1) of this subsection; or

28 (ii) Participating lawfully in speech or peaceful assembly opposing
29 any denial of the opportunity to participate in any of the activities, services,
30 organizations or facilities described in paragraph (1) of this subsection.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect October 1, 1999.