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By: **Frederick County Delegation**

Introduced and read first time: February 5, 2003

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Human Relations Commission - Remedial Relief**

3 FOR the purpose of authorizing the Board of County Commissioners of Frederick  
4 County by ordinance to authorize the Human Relations Commission to provide  
5 remedial relief, including equitable relief and monetary damages, under certain  
6 circumstances; imposing certain limitations on the Board's authority to  
7 authorize the Commission to provide remedial relief; authorizing the Board by  
8 ordinance to provide for the enforcement of subpoenas, decisions, and orders of  
9 the Commission under certain circumstances; authorizing the Board by  
10 ordinance to authorize certain persons to appeal a decision or order of the  
11 Commission under certain circumstances; imposing certain limitations on  
12 awards of relief made by the Commission under certain circumstances; and  
13 generally relating to remedial relief made by the Frederick County Human  
14 Relations Commission.

15 BY repealing and reenacting, with amendments,  
16 The Public Local Laws of Frederick County  
17 Section 2-2-68  
18 Article 11 - Public Local Laws of Maryland  
19 (1979 Edition and April 2002 Supplement, as amended)

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

22 **Article 11 - Frederick County**

23 2-2-68.

24 (a) (1) The Board of County Commissioners may establish both a human  
25 relations commission and a human relations department.

26 (2) The functions and duties of the commission and the department shall  
27 be set by resolution by the Board of County Commissioners.

1 (b) The Human Relations Commission shall provide a forum for the  
2 presentation of problems concerning discrimination in the county.

3 (c) (1) The Human Relations Department shall investigate complaints  
4 alleging discrimination as to race, color, religion, national origin, sex, age, marital  
5 status, or physical or mental handicap in:

6 (i) Housing;

7 (ii) Public accommodations; and

8 (iii) Employment.

9 (2) The Department shall make determinations of discrimination or lack  
10 of discrimination.

11 (D) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II), (III), AND (IV) OF  
12 THIS PARAGRAPH, THE BOARD OF COUNTY COMMISSIONERS BY ORDINANCE MAY  
13 AUTHORIZE THE HUMAN RELATIONS COMMISSION TO PROVIDE REMEDIAL RELIEF,  
14 INCLUDING EQUITABLE RELIEF AND MONETARY DAMAGES.

15 (II) THE BOARD OF COMMISSIONERS MAY NOT AUTHORIZE THE  
16 HUMAN RELATIONS COMMISSION TO:

17 1. AWARD ATTORNEY'S FEES;

18 2. ASSESS PENALTIES OR FINES;

19 3. CREATE A PRIVATE CAUSE OF ACTION; OR

20 4. AWARD DAMAGES FOR HUMILIATION OR PAIN AND  
21 SUFFERING.

22 (III) IN EMPLOYMENT CASES, THE BOARD OF COUNTY  
23 COMMISSIONERS MAY GRANT THE HUMAN RELATIONS COMMISSION POWERS OR  
24 JURISDICTION OVER ONLY EMPLOYERS WITH 15 OR MORE EMPLOYEES.

25 (IV) IN PUBLIC ACCOMMODATIONS CASES AND HOUSING CASES,  
26 THE BOARD OF COUNTY COMMISSIONERS MAY NOT GRANT THE HUMAN RELATIONS  
27 COMMISSION POWERS OR JURISDICTION IN EXCESS OF OR IN CONFLICT WITH THE  
28 POWERS AND JURISDICTION DESCRIBED IN ARTICLE 49B OF THE CODE.

29 (2) THE BOARD OF COUNTY COMMISSIONERS BY ORDINANCE MAY  
30 PROVIDE FOR THE ENFORCEMENT OF SUBPOENAS, DECISIONS, AND ORDERS OF THE  
31 HUMAN RELATIONS COMMISSION IN THE CIRCUIT COURT FOR FREDERICK COUNTY.

32 (3) THE BOARD OF COUNTY COMMISSIONERS BY ORDINANCE MAY  
33 AUTHORIZE:

34 (I) THE HUMAN RELATIONS DEPARTMENT OR OTHER PARTY TO  
35 APPEAL A DECISION OR ORDER OF THE HUMAN RELATIONS COMMISSION TO THE

1 CIRCUIT COURT FOR FREDERICK COUNTY IN ACCORDANCE WITH TITLE 7, CHAPTER  
2 200 OF THE MARYLAND RULES; AND

3 (II) THE HUMAN RELATIONS COMMISSION TO BE A PARTY TO AN  
4 APPEAL MADE TO THE CIRCUIT COURT FOR FREDERICK COUNTY.

5 (4) (I) IN EMPLOYMENT CASES, AN AWARD OF MONETARY DAMAGES:

6 1. MAY NOT EXCEED A 36-MONTH PERIOD; AND

7 2. SHALL BE REDUCED BY ANY EARNINGS RECEIVED  
8 DURING THAT PERIOD OR ANY AMOUNTS EARNABLE DURING THAT PERIOD WITH  
9 REASONABLE DILIGENCE BY THE EMPLOYEE DISCRIMINATED AGAINST.

10 (II) IN PUBLIC ACCOMMODATIONS CASES AND HOUSING CASES, AN  
11 AWARD OF RELIEF IS RESTRICTED TO ACTUAL MONETARY DAMAGES AND  
12 EQUITABLE RELIEF.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2003.