
By: **Frederick County Delegation**
Introduced and read first time: February 5, 2003
Assigned to: Health and Government Operations

Committee Report: Favorable
House action: Adopted
Read second time: March 11, 2003

CHAPTER _____

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:

Article 11 - Frederick County

2 2-2-68.

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

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

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

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

12 (i) Housing;

13 (ii) Public accommodations; and

14 (iii) Employment.

15 (2) The Department shall make determinations of discrimination or lack
16 of discrimination.

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

21 (II) THE BOARD OF COMMISSIONERS MAY NOT AUTHORIZE THE
22 HUMAN RELATIONS COMMISSION TO:

23 1. AWARD ATTORNEY'S FEES;

24 2. ASSESS PENALTIES OR FINES;

25 3. CREATE A PRIVATE CAUSE OF ACTION; OR

26 4. AWARD DAMAGES FOR HUMILIATION OR PAIN AND
27 SUFFERING.

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

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

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

4 (3) THE BOARD OF COUNTY COMMISSIONERS BY ORDINANCE MAY
5 AUTHORIZE:

6 (I) THE HUMAN RELATIONS DEPARTMENT OR OTHER PARTY TO
7 APPEAL A DECISION OR ORDER OF THE HUMAN RELATIONS COMMISSION TO THE
8 CIRCUIT COURT FOR FREDERICK COUNTY IN ACCORDANCE WITH TITLE 7, CHAPTER
9 200 OF THE MARYLAND RULES; AND

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

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

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

14 2. SHALL BE REDUCED BY ANY EARNINGS RECEIVED
15 DURING THAT PERIOD OR ANY AMOUNTS EARNABLE DURING THAT PERIOD WITH
16 REASONABLE DILIGENCE BY THE EMPLOYEE DISCRIMINATED AGAINST.

17 (II) IN PUBLIC ACCOMMODATIONS CASES AND HOUSING CASES, AN
18 AWARD OF RELIEF IS RESTRICTED TO ACTUAL MONETARY DAMAGES AND
19 EQUITABLE RELIEF.

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