

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 396 (Frederick County Delegation)
Health and Government Operations Education, Health, and Environmental Affairs

Frederick County - Human Relations Commission - Remedial Relief

This bill allows the Frederick County Commissioners, by ordinance, to authorize the Human Relations Commission to provide remedial relief in discrimination cases. The bill also sets forth award limitations, specific powers in housing and public accommodation cases, enforcement powers, and procedures for appeals.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County finances would not be affected by authorizing the Human Relations Commission to provide remedial relief in discrimination cases.

Small Business Effect: Minimal.

Analysis

Bill Summary: Remedial relief includes equitable relief and monetary damages. The bill prohibits the commission from awarding attorney's fees, assessing penalties or fines, creating a private cause of action, or awarding damages for humiliation or pain and suffering.

The bill also provides that: (1) in employment cases the county commissioners may grant the commission powers or jurisdiction over employers with 15 or more employees; and (2) in public accommodation cases and housing cases, the county commissioners may not

grant the commission powers or jurisdiction in excess of or in conflict with the powers and jurisdiction described in Article 49B of the Annotated Code.

The bill also provides that the county commissioners by ordinance may: (1) enforce subpoenas, decisions, and orders of the Human Relations Commission in the circuit court for Frederick County; and (2) authorize the Human Relations Department to appeal decisions or orders of the Human Relations Commission to the Circuit Court for Frederick County.

The bill also limits, in employment discrimination cases, that an award of monetary damages may not exceed a 36-month period and that an award must be reduced by any earnings received during that period or any amount earnable during that period with reasonable diligence by the employee discriminated against. The bill also limits, in public accommodation discrimination cases, that an award of relief is restricted to actual monetary damages and equitable relief.

Current Law: The Board of County Commissioners of Frederick County may establish a Human Relations Commission and a Human Relations Department. The Human Relations Commission provides a forum for the presentation of problems concerning discrimination in the county. The Human Relations Department investigates complaints alleging discrimination as to race, color, religion, national origin, sex, age, and marital status, or physical or mental handicap in housing, public accommodations, and employment. The Human Relations Department makes determinations of discrimination or lack of discrimination. The Human Relations Commission is not authorized to provide remedial relief in discrimination cases.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), City of Frederick, Department of Legislative Services

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