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By: **Frederick County Delegation**

Introduced and read first time: February 3, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Human Relations Department - Investigation of**  
3 **Discriminatory Conduct**

4 FOR the purpose of authorizing the Frederick County Human Relations Department  
5 to investigate certain complaints alleging discrimination as to familial status in  
6 housing and employment; providing for the application of certain provisions of  
7 this Act; authorizing the Frederick County Human Relations Department to  
8 investigate certain complaints alleging discrimination as to source of income in  
9 housing; providing that discrimination as to source of income does not include  
10 certain actions; defining certain terms; and generally relating to the  
11 investigation of discriminatory conduct by the Frederick County Human  
12 Relations Department.

13 BY repealing and reenacting, with amendments,  
14 The Public Local Laws of Frederick County  
15 Section 2-2-68  
16 Article 11 - Public Local Laws of Maryland  
17 (2004 Edition, as amended)

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

20 **Article 11 - Frederick County**

21 2-2-68.

22 (a) (1) The board of county commissioners may establish both a human  
23 relations commission and a human relations department.

24 (2) The functions and duties of the commission and the department shall  
25 be set by resolution by the board of county commissioners.

26 (b) The human relations commission shall provide a forum for the  
27 presentation of problems concerning discrimination in the county.

1 (c) (1) The human relations department shall investigate complaints  
2 alleging discrimination as to race, color, religion, national origin, sex, age, marital  
3 status, or physical or mental handicap in:

4 (i) Housing;

5 (ii) Public accommodations; and

6 (iii) Employment.

7 (2) (I) 1. IN THIS PARAGRAPH, "FAMILIAL STATUS" MEANS THE  
8 STATUS OF ONE OR MORE INDIVIDUALS WHO ARE UNDER THE AGE OF 18 YEARS AND  
9 BEING DOMICILED WITH:

10 A. A PARENT OR OTHER PERSON HAVING LEGAL CUSTODY  
11 OF THE INDIVIDUAL; OR

12 B. THE DESIGNEE OF A PARENT OR OTHER PERSON HAVING  
13 LEGAL CUSTODY OF THE INDIVIDUAL, WITH THE WRITTEN PERMISSION OF THE  
14 PARENT OR OTHER PERSON HAVING LEGAL CUSTODY.

15 2. IN THIS PARAGRAPH, "FAMILIAL STATUS" INCLUDES THE  
16 STATUS OF BEING:

17 A. A PREGNANT WOMAN; OR

18 B. AN INDIVIDUAL WHO IS IN THE PROCESS OF SECURING  
19 LEGAL CUSTODY OF AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

20 (II) THE HUMAN RELATIONS DEPARTMENT SHALL INVESTIGATE  
21 COMPLAINTS ALLEGING DISCRIMINATION AS TO FAMILIAL STATUS IN HOUSING AND  
22 EMPLOYMENT.

23 (III) THIS PARAGRAPH DOES NOT APPLY TO HOUSING FOR OLDER  
24 PERSONS AS DEFINED IN ARTICLE 49B, § 20 OF THE CODE.

25 (3) (I) IN THIS PARAGRAPH, "SOURCE OF INCOME" MEANS ANY  
26 LAWFUL, VERIFIABLE SOURCE OF MONEY PAID DIRECTLY OR INDIRECTLY TO A  
27 RENTER OR BUYER OF HOUSING INCLUDING:

28 1. INCOME RECEIVED THROUGH ANY LAWFUL PROFESSION  
29 OR OCCUPATION;

30 2. THE CONDITION OF BEING A RECIPIENT OF FEDERAL,  
31 STATE, OR LOCAL GOVERNMENT ASSISTANCE INCLUDING MEDICAL ASSISTANCE  
32 SUBSIDIES, RENTAL ASSISTANCE, OR RENT SUPPLEMENTS;

33 3. ANY GIFT, INHERITANCE, PENSION, ANNUITY, ALIMONY,  
34 CHILD SUPPORT, TRUST OR INVESTMENT ACCOUNTS, OR OTHER CONSIDERATION OR  
35 BENEFIT; AND

1 4. ANY SALE OR PLEDGE OF PROPERTY OR INTEREST IN  
2 PROPERTY.

3 (II) THE HUMAN RELATIONS DEPARTMENT SHALL INVESTIGATE  
4 COMPLAINTS ALLEGING DISCRIMINATION AS TO SOURCE OF INCOME IN HOUSING.

5 (III) DISCRIMINATION AS TO SOURCE OF INCOME DOES NOT  
6 INCLUDE:

7 1. A COMMERCIALY REASONABLE VERIFICATION OF  
8 SOURCE AND AMOUNT OF INCOME;

9 2. A COMMERCIALY REASONABLE EVALUATION OF THE  
10 STABILITY, SECURITY, AND CREDITWORTHINESS OF ANY SOURCE OF INCOME;

11 3. THE EVICTION OF ANY PERSON FOR VIOLATION OF THE  
12 TERMS OF A LEASE AGREEMENT; OR

13 4. THE REFUSAL TO CONSIDER INCOME DERIVED FROM  
14 CRIMINAL OR UNLAWFUL ACTIVITY.

15 [(2)] (4) The department shall make determinations of discrimination or  
16 lack of discrimination.

17 (d) (1) (i) Except as provided in subsections (ii), (iii) and (iv) below, the  
18 board of county commissioners by ordinance may authorize the human relations  
19 commission to provide remedial relief, including equitable relief and monetary  
20 damages.

21 (ii) The board of commissioners may not authorize the human  
22 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 suffering.

27 (iii) In employment cases, the board of county commissioners may  
28 grant the human relations commission powers or jurisdiction over only employers  
29 with 15 or more employees.

30 (iv) In public accommodations cases and housing cases, the board of  
31 county commissioners may not grant the human relations commission powers or  
32 jurisdiction in excess of or in conflict with the powers and jurisdiction described in  
33 article 49B of the code.

1                   (2)       The board of county commissioners by ordinance may provide for the  
2 enforcement of subpoenas, decisions, and orders of the human relations commission  
3 in the circuit court for Frederick County.

4                   (3)       The board of county commissioners by ordinance may authorize:

5                           (i)       The human relations department or other party to appeal a  
6 decision or order of the human relations commission to the circuit court for Frederick  
7 County in accordance with Title 7, Chapter 200 of the Maryland Rules; and

8                           (ii)       The human relations commission to be a party to an appeal  
9 made to the circuit court for Frederick County.

10                   (4)       (i)       In employment cases, an award of monetary damages:

11                                   1.       May not exceed a 36-month period; and

12                                   2.       Shall be reduced by any earnings received during that  
13 period or any amounts earnable during that period with reasonable diligence by the  
14 employee discriminated against.

15                           (ii)       In public accommodations cases and housing cases, an award or  
16 relief is restricted to actual monetary damages and equitable relief.

17       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2005.