
By: **Frederick County Delegation**

Introduced and read first time: February 3, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2005

CHAPTER _____

1 AN ACT concerning

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

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

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

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

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

8 (i) Housing;

9 (ii) Public accommodations; and

10 (iii) Employment.

11 (2) (I) 1. IN THIS PARAGRAPH, "FAMILIAL STATUS" MEANS ~~THE~~
12 ~~STATUS OF~~, WITH REFERENCE TO ONE OR MORE INDIVIDUALS WHO ARE UNDER THE
13 AGE OF 18 YEARS ~~AND~~, BEING DOMICILED WITH THE INDIVIDUAL AND BEING:

14 A. A PARENT OR OTHER PERSON HAVING LEGAL CUSTODY
15 OF THE INDIVIDUAL; OR

16 B. THE DESIGNEE OF A PARENT OR OTHER PERSON HAVING
17 LEGAL CUSTODY OF THE INDIVIDUAL, WITH THE WRITTEN PERMISSION OF THE
18 PARENT OR OTHER PERSON HAVING LEGAL CUSTODY.

19 2. IN THIS PARAGRAPH, "FAMILIAL STATUS" INCLUDES THE
20 STATUS OF BEING:

21 A. A PREGNANT WOMAN; OR

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

24 (II) THE HUMAN RELATIONS DEPARTMENT SHALL INVESTIGATE
25 COMPLAINTS ALLEGING DISCRIMINATION AS TO FAMILIAL STATUS IN HOUSING AND
26 EMPLOYMENT.

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

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

32 1. INCOME RECEIVED THROUGH ANY LAWFUL PROFESSION
33 OR OCCUPATION;

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

4 3. ANY GIFT, INHERITANCE, PENSION, ANNUITY, ALIMONY,
5 CHILD SUPPORT, TRUST OR INVESTMENT ACCOUNTS, OR OTHER CONSIDERATION OR
6 BENEFIT; AND

7 4. ANY SALE OR PLEDGE OF PROPERTY OR INTEREST IN
8 PROPERTY.

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

11 (III) DISCRIMINATION AS TO SOURCE OF INCOME DOES NOT
12 INCLUDE:

13 1. A COMMERCIALY REASONABLE VERIFICATION OF
14 SOURCE AND AMOUNT OF INCOME;

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

17 3. THE EVICTION OF ANY PERSON FOR VIOLATION OF THE
18 TERMS OF A LEASE AGREEMENT; OR

19 4. THE REFUSAL TO CONSIDER INCOME DERIVED FROM
20 CRIMINAL OR UNLAWFUL ACTIVITY.

21 (2) (4) The department shall make determinations of discrimination or
22 lack of discrimination.

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

27 (ii) The board of commissioners may not authorize the human
28 relations commission to:

29 1. Award attorney's fees;

30 2. Assess penalties or fines;

31 3. Create a private cause of action; or

32 4. Award damages for humiliation or pain and suffering.

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

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

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

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

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

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

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

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

16 2. Shall be reduced by any earnings received during that
17 period or any amounts earnable during that period with reasonable diligence by the
18 employee discriminated against.

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

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