

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 199 (Frederick County Delegation)
Health and Government Operations

**Frederick County - Board of County Commissioners - Prohibition of
Discriminatory Housing Practices**

This bill authorizes the Frederick County Commissioners to adopt a comprehensive ordinance against discriminatory housing practices.

Fiscal Summary

State Effect: None. Any additional caseload on the Judiciary could be handled with existing resources.

Local Effect: Costs to investigate fair housing complaints could be handled with existing county resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: The Frederick County Commissioners are authorized to adopt an ordinance making discriminatory housing practices unlawful. Such practices include those listed in specified provisions of State statute, including:

- refusing to sell or rent on the basis of race, color, religion, national origin, sex, age, marital status, or disability;
- discriminating on the terms or conditions of sale or rental;
- discriminating as to the availability of real estate transactions, listing services, or broker's services; and

- coercing, intimidating, interfering with, or retaliating against a person to discourage their enjoyment or exercise of their rights against discrimination.

The bill does not authorize an ordinance against discrimination as to sexual orientation.

As part of the ordinance, the county commissioners may allow an aggrieved party to file a complaint with the Frederick County Human Relations Department (HRD), or allow HRD or the Frederick County Human Relations Commission (HRC) to file a complaint of its own initiative, with requirements similar to those in State law. As a remedy, HRC may award actual damages, statutory penalties, or injunctive relief.

The county commissioners may authorize provisions for the filing of a civil action in circuit court by an aggrieved party, HRC, or HRD. Remedies available in such an action mirror remedies under State law.

Current Law: The local laws of Frederick County authorize the county commissioners to establish HRC and HRD. HRD is authorized to investigate complaints alleging discrimination as to race, color, religion, national origin, sex, age, marital status, or disability in housing, public accommodations, and employment, discrimination as to family status in housing and employment, and discrimination as to source of income in housing. HRC provides a forum for the presentation of problems concerning discrimination in the county.

Under Article of 49B of State law, housing discrimination because of race, sex, creed, color, religion, national origin, marital status, and physical or mental handicap is prohibited, with certain exceptions for religious organizations, private clubs, and single family dwellings sold or rented without advertisement or third party involvement. Chapter 340 of 2001 added sexual orientation to this list of prohibited forms of discrimination.

An aggrieved party may file a complaint with the State Human Relations Commission or may file a civil action in circuit court. The State Human Relations Commission may also choose to file a claim in its own right on behalf of the aggrieved party. Remedies available include actual damages, civil penalty, or equitable relief. Pursuant to this legislation, an individual in Frederick County would have the option of filing a discriminatory complaint with the County Human Relations Commission instead of filing the complaint with the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Human Relations Commission, Frederick County, Department of Legislative Services

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bfl/hlb

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