

HOUSE BILL 52

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9lr0793

By: **The Speaker (By Request – Department of Legislative Services – Code Revision)**

Introduced and read first time: January 15, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to Article 49B (Human
4 Relations Commission) in the Annotated Code of Maryland; making certain
5 technical and stylistic changes; and generally relating to the revision of Article
6 49B of the Code and cross-references to it.

7 BY repealing and reenacting, with amendments,
8 Article – Business Occupations and Professions
9 Section 17–526(a) and (d)
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Business Regulation
14 Section 15–202
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Economic Development
19 Section 5–435
20 Annotated Code of Maryland
21 (2008 Volume)

22 BY repealing and reenacting, with amendments,
23 Article – Health – General
24 Section 19–355
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 12–202(h)
4 Annotated Code of Maryland
5 (2003 Volume and 2008 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 19–107(a) and (d)(1) and 19–108(b)
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2008 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 10–205(b) and 10–617(b)(1)
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2008 Supplement)

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

18 **Article – Business Occupations and Professions**

19 17–526.

20 (a) The purpose of this section is to prohibit certain discriminatory real
21 estate practices with respect to housing in Montgomery County to:

22 (1) ensure fair and equal real estate housing practices for all of its
23 residents, regardless of race, color, religion, sex, marital status, national origin, or, as
24 defined in [Article 49B, § 19 of the Code, physical or mental handicap] **§ 20–701 OF**
25 **THE STATE GOVERNMENT ARTICLE, DISABILITY;**

26 (2) provide fair and equal real estate housing opportunities for all of
27 its residents, regardless of race, color, religion, sex, marital status, national origin, or,
28 as defined in [Article 49B, § 19 of the Code, physical or mental handicap] **§ 20–701 OF**
29 **THE STATE GOVERNMENT ARTICLE, DISABILITY;**

30 (3) ensure fair and equal real estate housing practices and provide fair
31 and equal real estate housing opportunities for those individuals who are at least 62
32 years of age; and

33 (4) protect and ensure the peace, health, safety, prosperity, and
34 general welfare of all residents of Montgomery County.

1 (d) (1) A real estate broker, an associate real estate broker, or a real
2 estate salesperson may not refuse to show any residential property or prospective site
3 for a residence that is available for sale, rent, or sublease to a prospective buyer or
4 renter because of:

5 (i) the race, color, religion, sex, marital status, national origin,
6 or, as defined [by Article 49B, § 19 of the Code, physical or mental handicap] **IN §**
7 **20-701 OF THE STATE GOVERNMENT ARTICLE, DISABILITY** of the prospective
8 buyer or renter; or

9 (ii) the composition or character of the neighborhood where the
10 property is located.

11 (2) If the representation is made because of the race, color, religion,
12 sex, marital status, national origin, or, as defined [by Article 49B, § 19 of the Code,
13 physical or mental handicap] **IN § 20-701 OF THE STATE GOVERNMENT ARTICLE,**
14 **DISABILITY** of the prospective buyer or renter or because of the composition or
15 character of the neighborhood where the property is located, a real estate broker, an
16 associate real estate broker, or a real estate salesperson may not represent to a
17 prospective buyer or renter that the available residential properties, prospective sites
18 for a residence, or listings in a specified price range are limited to those already shown
19 when, in fact, there is an additional residential property, a prospective site for a
20 residence, or a listing in a specified price range that is available and within the price
21 range specified by the prospective buyer or renter.

22 Article - Business Regulation

23 15-202.

24 Except as provided in this subtitle for an individual who is under the age of 21
25 years, this subtitle may not be construed to alter the prohibition against
26 discrimination by an innkeeper or lodging establishment [established] under [Article
27 49B, § 5 of the Code] **TITLE 20, SUBTITLE 3 OF THE STATE GOVERNMENT**
28 **ARTICLE.**

29 Article - Economic Development

30 5-435.

31 Financial assistance under this subtitle is:

32 (1) subject to the provisions of [Article 49B of the Code] **TITLE 20 OF**
33 **THE STATE GOVERNMENT ARTICLE** concerning discrimination and unlawful
34 practices; and

35 (2) not subject to Title 17, Subtitle 1 of the State Finance and
36 Procurement Article (Security for construction projects).

1 **Article – Health – General**

2 19–355.

3 (a) A hospital or related institution may not discriminate in providing
4 personal care for an individual because of the race, color, or national origin of the
5 individual.

6 (b) The Commission on Human Relations shall enforce this section as
7 provided in [Article 49B of the Code] **TITLE 20 OF THE STATE GOVERNMENT**
8 **ARTICLE.**

9 **Article – Public Safety**

10 12–202.

11 (h) (1) The Department shall cooperate with and provide technical
12 assistance to the Human Relations Commission concerning an action brought by the
13 Human Relations Commission to enforce [Article 49B, § 22 of the Code] **§ 20–705 OR**
14 **§ 20–706 OF THE STATE GOVERNMENT ARTICLE.**

15 (2) This section does not limit the authority of the Human Relations
16 Commission to enforce [Article 49B, § 22 of the Code] **§§ 20–705 AND 20–706 OF THE**
17 **STATE GOVERNMENT ARTICLE.**

18 **Article – State Finance and Procurement**

19 19–107.

20 (a) Commission staff shall be responsible for directing and conducting
21 investigations of discrimination and retaliation complaints filed under this title in a
22 manner consistent with [Article 49B, §§ 3, 10, and 11] **§§ 20–208, 20–1005,**
23 **20–1006, 20–1008, 20–1009, AND 20–1010 OF THE STATE GOVERNMENT**
24 **ARTICLE.**

25 (d) (1) Consistent with [Article 49B, § 13 of the Code] **§ 20–1101 OF THE**
26 **STATE GOVERNMENT ARTICLE,** the Public Information Act, and the Open Meetings
27 Act, the Commission shall protect the confidential character of information relating to
28 an investigation and may issue protective orders for good cause to limit, or otherwise
29 impose conditions on, access by any person to any document in the possession of a
30 party.

31 19–108.

1 (b) Based on a review and investigation consistent with [Article 49B, § 10 of
2 the Code] § **20-1005 OF THE STATE GOVERNMENT ARTICLE**, Commission staff
3 shall make an initial finding of each allegation stated in the complaint, that either:

4 (1) the investigation produced sufficient evidence to find that the
5 alleged discrimination or retaliation did take place (“probable cause”);

6 (2) the investigation failed to produce sufficient evidence to find that
7 the alleged discrimination or retaliation took place (“no probable cause”);

8 (3) the investigation produced sufficient evidence to establish that the
9 complainant knowingly made one or more false or frivolous allegations, and further
10 investigation did not appear likely to produce sufficient evidence that the alleged
11 discrimination or retaliation did take place (“false or frivolous”);

12 (4) the allegation has been settled or otherwise resolved with the
13 agreement of the respondent business entity, the complainant, and the State
14 (“settled”); or

15 (5) the allegation has been withdrawn (“withdrawn”).

16 **Article – State Government**

17 10-205.

18 (b) An agency may delegate to the Office the authority to issue:

19 (1) proposed or final findings of fact;

20 (2) proposed or final conclusions of law;

21 (3) proposed or final findings of fact and conclusions of law;

22 (4) proposed or final orders or orders under [Article 49B of the Code]
23 **TITLE 20 OF THIS ARTICLE**; or

24 (5) the final administrative decision of an agency in a contested case.

25 10-617.

26 (b) (1) In this subsection, “disability” has the meaning stated in [Article
27 49B, § 20 of the Code] § **20-701 OF THIS ARTICLE**.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2009.