

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 51

(The Speaker)(By Request - Department of Legislative
Services - Code Revision)

Health and Government Operations

Judicial Proceedings

Human Relations

This code revision bill revises, restates, and recodifies the laws of the State that relate to the Maryland Commission on Human Relations (MCHR), prohibitions against discrimination, and remedies for discrimination. The bill adds a new title to the State Government Article of the Annotated Code of Maryland, to be designated and known as “Title 20. Human Relations.”

Fiscal Summary

State Effect: None. The bill’s provisions are intended as nonsubstantive revisions, restatements, and recodifications of existing provisions and there is no fiscal impact.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The addition to the State Government Article to be known as “Title 20. Human Relations,” consists of 12 subtitles that contain most of the provisions of Article 49B of the Annotated Code. The 12 subtitles of Title 20 are as follows:

Subtitle 1. Definitions

Contains definitions that apply to the entire title (except for Subtitle 12 which addresses civil actions due to violations of county discrimination laws).

Subtitle 2. Commission on Human Relations

Contains provisions concerning MCHR, including its members and chair, other staff, and general powers.

Subtitle 3. Discrimination in Places of Public Accommodation

Contains provisions prohibiting discrimination in places of public accommodation, defining “place of public accommodation,” and requiring reasonable accommodations for individuals with disabilities.

Subtitle 4. Discrimination by Persons Licensed or Regulated by Department of Labor, Licensing, and Regulation

Prohibits discrimination by a person licensed or regulated by a unit in the Department of Labor, Licensing, and Regulation.

Subtitle 5. Discrimination in Leasing of Commercial Property

Prohibits discrimination in the leasing of property for commercial use, or in the provision of services or facilities in connection with the leasing of property for commercial use.

Subtitle 6. Discrimination in Employment

Prohibits discrimination in various aspects of employment by employers, employment agencies, and labor unions.

Subtitle 7. Discrimination in Housing

Contains provisions prohibiting discrimination in the sale or rental of a dwelling, in residential real estate-related transactions, and in professional services or organizations; requiring certain covered multifamily dwellings to be accessible to individuals with disabilities; and establishing specific powers and duties of MCHR in implementing and furthering the purposes of the subtitle.

Subtitle 8. Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance

Prohibits aiding, abetting, compelling, coercing or attempting a discriminatory act, and obstructing a person from complying with Title 20 or an order issued under Title 20.

Subtitle 9. Discrimination by Governmental Units, Officers, and Employees

Prohibits State and local units, officers, and employees from discrimination in public accommodations, employment, and housing; waives the State’s sovereign immunity in employment discrimination cases; and provides for the payment of awards against the State.

Subtitle 10. Enforcement

Contains two parts: Part I, “In General,” which applies to all complaints of discrimination, except as otherwise provided in Part II, and Part II, “Discriminatory Housing Practices, which only applies to complaints of discrimination in housing. It governs the filing of complaints with MCHR, the processing of those complaints, the administrative hearing process, enforcement of MCHR’s orders, MCHR’s subpoena power, the filing or election of a civil action by a complainant, and remedies available for discriminatory acts.

Subtitle 11. Prohibited Acts; Criminal Penalties

Contains the prohibited acts that are subject to criminal penalties, including disclosure by MCHR members or staff of confidential information relating to an investigation of a complaint; disobeying a subpoena or discovery order in a housing discrimination case; injury, intimidation, or interference with protected housing activities; making a complaint maliciously; and receiving remuneration for participation in a racial demonstration.

Subtitle 12. Civil Actions – Violations of County Discrimination Laws

Authorizes a person subjected to a discriminatory act prohibited by the county code in Baltimore County, Howard County, Montgomery County, or Prince George’s County to bring a civil action in the circuit court for the applicable county, and specifies the relief available in an action under this subtitle.

The bill contains a number of uncodified sections common to code revision projects, primarily designed to protect the status of the revision as a bulk, nonsubstantive restatement of the former law.

Background: Title 20 of the State Government Article, entitled “Human Relations,” is a product of the continuing revision of the Annotated Code of Maryland by the legal staff of the Office of Policy Analysis of the Department of Legislative Services. The first revised articles were enacted at the First Extraordinary Session of 1973. As of the date of the introduction in the General Assembly of House Bill 51, 32 revised articles have become law: Agriculture, Business Occupations and Professions, Business Regulation, Commercial Law, Corporations and Associations, Correctional Services, Courts and Judicial Proceedings, Criminal Law, Criminal Procedure, Economic Development, Education, Election Law, Environment, Estates and Trusts, Family Law, Financial Institutions, Health – General, Health Occupations, Housing and Community Development, Human Services, Insurance, Labor and Employment, Natural Resources, Public Safety, Public Utility Companies, Real Property, State Finance and Procurement, State Government, State Personnel and Pensions, Tax – General, Tax – Property, and Transportation. In 2008, as part of the code revision process, three new titles were added to the Criminal Procedure Article, revising the laws relating to the State Prosecutor, State’s Attorneys, and the Public Defender.

Additional Comments: Every effort is made to ensure that a proposed revision conforms as nearly as possible to the intent of the General Assembly, and any issues involving the interpretation of an aspect of current law are highlighted in the appropriate revisor's note. In other instances, the staff and Article Review Committee have used revisor's notes to call to the attention of the General Assembly fundamental policy issues that are beyond the purview of the revision process. They have not, however, attempted to resolve these issues in this bill. Significant issues that the committee considered necessary to address are included in separate legislation (House Bill 53 (Human Relations – Substantive Modifications) and House Bill 54 (Human Relations – Civil Actions – Unlawful Employment Practices)).

Additional Information

Prior Introductions: None.

Cross File: None.

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

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