

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1527 (Delegate Beidle)
Health and Government Operations Education, Health, and Environmental Affairs

**Anne Arundel County - Human Relations - Violations of County Discrimination
Laws**

This bill adds Anne Arundel County to the list of counties in which an individual who is subjected to a discriminatory act prohibited by the county code can bring a civil action for damages, injunctive relief, or other civil relief.

Fiscal Summary

State Effect: The bill does not directly impact State operations or finances.

Local Effect: The bill is enabling legislation only and does not impact Anne Arundel County operations or finances unless additional action is taken by the county.

Small Business Effect: None.

Analysis

Current Law: Individuals in specified counties who are subjected to a discriminatory act prohibited by the county code may bring a civil action for damages, injunctive relief, or other civil relief.

The action must be commenced within two years after the occurrence of the alleged discriminatory act, but an action alleging discrimination in employment or public accommodations may not be commenced sooner than 45 days after the aggrieved person files a complaint with the county unit responsible for handling violations of the county discrimination laws. An action alleging discrimination in real estate may be commenced

at any time. The court may award the prevailing party in the action reasonable attorney's fees, expert witness fees, and costs.

Background: In a December 2010 report to the County Executive, the Anne Arundel County Human Relations Commission analyzed the need for a county anti-discrimination law. According to the report, Anne Arundel County residents and businesses with disputes alleging unlawful discrimination cannot obtain assistance in resolving these disputes from the county because the county lacks an anti-discrimination law. The county commission has no enforcement authority over alleged acts of discrimination and may only conduct an informal investigation of the facts and attempt to resolve them through mediation, or by referring the complaint to a State or federal agency for resolution. The report recommended that the county begin the process of enacting an anti-discrimination law and the creation of a body within the county government with enforcement authority over the law. To the extent that the county enacts an anti-discrimination law, the bill is intended as enabling legislation to allow the county to establish a process for enforcing violations of the anti-discrimination law, including the right to a private cause of action.

In 1990, the Court of Appeals in *McCrorry Corp. v. Fowler* 319 Md. 12 (1990) invalidated a section of the Montgomery County Code that allowed a private cause of action to be brought for a violation of the County's discrimination laws. The court held that the Express Powers Act, which enumerates powers granted to counties establishing a charter form of government, does not provide adequate authority to create private causes of action. In addition, the creation of a new private cause of action traditionally has been the province of the General Assembly or the Court of Appeals. The provisions struck down by the court provided the model for similar provisions in the county codes of Howard and Prince George's counties.

In 1992, the General Assembly enacted legislation authorizing private causes of action to be brought in Montgomery County. The following year, the General Assembly codified for Howard and Prince George's counties the same provisions pertaining to private causes of action relating to discriminatory acts that were established for Montgomery County.

State and Local Fiscal Effect: To the extent that Anne Arundel County enacts a county anti-discrimination law, complaints that are currently handled by the State through the Maryland Commission on Civil Rights (MCCR) may instead be handled by the county. MCCR advises that this does not materially impact its workload or expenditures. Anne Arundel County did not provide an estimate of any potential expenditures if the county elects to enact an anti-discrimination law and expands the authority of the current county human relations commission to enforce the law.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Maryland Commission on Civil Rights,
Department of Legislative Services

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Analysis by: Jennifer K. Botts/
Lindsay A. Eastwood

Direct Inquiries to:
(410) 946-5510
(301) 970-5510