



Maryland Association for Justice, Inc.

2020 Position Paper

Employment Discrimination and Discriminatory Housing Practices – Time for Filing Complaints HB 728 – FAVORABLE

House Bill 728 would increase the time within which a complaint alleging an unlawful employment practice other than harassment must be filed with the Maryland Commission on Civil Rights (MCCR), from six months to 300 days. HB 728 also would extend the period within which a complaint alleging discriminatory housing practices must be filed, from one year to 18 months.

Under current law, complaints alleging unlawful employment practices generally must be filed within six months after the date on which a discriminatory act occurred. In some instances, six months is inadequate time for an employee to secure legal counsel and make the necessary filing. Extending the time period for filing such complaints would make it easier for employees to vindicate their right to be free of discriminatory employment practices in the workplace. In turn, the increased ability for employees to hold employers accountable would cause employers to take greater care to ensure that workplace discrimination is not tolerated.

Previously, the Maryland General Assembly extended the time for filing complaints alleging workplace harassment, from six months to two years. Predictably, that legislative action did not bring a tidal wave of harassment lawsuits or destroy the Maryland economy. Similarly, HB 728 is unlikely to bring a tidal wave of workplace discrimination lawsuits. Rather, HB 728 makes the process by which employees to protect themselves against workplace discrimination fairer to employees.

Especially with respect to complaints alleging discriminatory housing practices, the need to allow plaintiffs more time to retain counsel and prepare litigation arises from the decision of the U.S. Supreme Court in Texas Dept. of Housing and Comm. Affairs v. Inclusive Communities Project, 135 S. Ct. 2507 (2015), which held that “disparate impact” claims are cognizable under the Fair Housing Act. Because such claims arise from the discriminatory effects of an otherwise neutral practice, they are inherently more complicated and time-consuming to prepare and file.

**The Maryland Association for Justice respectfully requests
a FAVORABLE report on HB 728.**