

State of Maryland Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



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February 12, 2020

Senate Bill 401 - Places of Public Accommodation and Public Buildings - Single-Occupancy Public Restrooms - Availability (The Accessible to All Act) Letter of Information

Dear Chairpersons Smith and Pinsky, and Members of the Senate Judicial Proceedings and Education, Health & Environmental Affairs committees:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, and physical and mental disability.

Senate Bill 401 requires that single-occupancy bathrooms have signage posted that does not use pictorial representation, and only uses descriptive language, such as the words “restroom” or “bathroom”. Counties and municipalities are charged with enforcing the bill’s provisions for places of public accommodation within their respective jurisdictions, and the bill authorizes the counties and municipalities to set and collect fines (with caps) to cover the costs associated with enforcing this bill.

While the Maryland Commission on Civil Rights is supportive of initiatives to enhance inclusivity across the State, MCCR is concerned about the bill’s mandate on counties and municipalities being placed in Title 20 of the State Government Article (“SGA Title 20”). Currently, MCCR has sole authority to enforce the State’s anti-discrimination laws enshrined in SGA Title 20. There exists no qualifier within SGA Title 20 granting units of local government the authority to enforce any provision of SGA Title 20. By inserting a provision to be enforced by local governments within SGA Title 20, MCCR is concerned that the provision may be overlooked by those entities charged with enforcement. Therefore, MCCR respectfully suggests that these provisions would be better placed in the Local Government Article. This would ensure that the bill’s provisions are clearly accessible to counties and municipalities in a section of the Maryland Code that is reserved for mandates placed on their respective units of government.

Thank you for your time and consideration of this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.