

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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March 9, 2021

Senate Bill 768 – Nondiscrimination and LGBTQ+ Individuals POSITION: Letter of Concern

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

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, physical and mental disability, and source of income.

Senate Bill 768 prohibits discrimination in access to justice, in the provision of child and family services, in housing and community development programs, and in programs administered by the Department of Human Services and the Department of Juvenile Services. The bill specifies that certain departments are required to receive training for employees and contractors with respect to not discriminating against LGBTQ+ individuals subject to their services. MCCR’s statute is amended to include contractors, grantees, and other programs or entities receiving public funds as being subject to MCCR’s jurisdiction.

While the Maryland Commission on Civil Rights supports the intent of the bill to prohibit discrimination, MCCR has concerns with the construction of the bill. In some respects, such as with access to housing and community development programs, the language of the bill is duplicative of Maryland’s fair housing law found in Title 20, Subtitle 7 of the State Government Article, *Annotated Code of Maryland*. However, this language is copied into other sections of the Code in order to apply to the Maryland Judiciary and the Maryland Department of Juvenile Services, as examples.

Furthermore, the bill’s training requirements are not consistently applied to all protected classes named in SB768 and currently protected under Title 20 of the State Government Article. While mandating training for employees and contractors on anti-discrimination for LGBTQ+ individuals is an important topic that has received more attention and focus over the past decade, as a matter of principle MCCR believes training requirements should be equitably applied to all protected classes in law.

Additionally, definitions need to be added for “contractor”, “grantee”, and “other program or entity receiving public funds” to clearly establish the jurisdiction of MCCR. These definitions would be beneficial to those subject to the bill’s provisions as well as MCCR, and should incorporate language clarifying that MCCR does not have the authority to investigate complaints against individuals or businesses receiving federal funds.

Finally, the bill expands MCCR’s jurisdiction, which will have a potentially significant impact on agency operations and resources. The Maryland Commission on Civil Rights is unable to absorb the impact this bill will have on the agency, thereby requiring additional resources from the State. The increase in the number of complaints MCCR receives under SB768 will adversely impact MCCR’s ability to satisfy existing contractual obligations with the U.S. Equal Employment Opportunity Commission (“EEOC”) and U.S. Department of Housing & Urban Development (“HUD”), thereby reducing the amount of federal funding MCCR depends upon to maintain agency operations and staffing levels.

Thank you for your time and consideration of the information contained in 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.