



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

March 10, 2025

House Bill 1055 - Commission on Nondiscrimination - Establishment Letter of Concern

Dear Chairperson Peña-Melnyk, Vice Chairperson Cullison, and Members of the House Health & Government Operations Committee:

The Maryland Commission on Civil Rights (“MCCR”) is the State agency responsible for enforcing Maryland’s laws prohibiting discrimination in employment, housing, public accommodations, state contracts, commercial leasing, and health services based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, source of income, and military status.

House Bill 1055 establishes the Commission on Nondiscrimination. MCCR is concerned that this Commission’s name may create some confusion within the public about the authority and function of the Commission on Nondiscrimination, potentially leading to individuals filing complaints alleging unlawful discrimination with the Commission on Nondiscrimination that should be filed with MCCR.

Under HB1055, the Commission on Nondiscrimination is composed of various representatives across all units of State government, including MCCR. This Commission is charged with:

- Study Maryland law to identify opportunities to expand protections to vulnerable communities and populations within the State;
- Monitor and study the impacts that current federal actions are having on civil and human rights in Maryland;
- Identify gaps, inconsistencies, or deficiencies in the current State and local frameworks for civil rights and anti-discrimination enforcement in order to provide better support and resources for these agencies; and
- Make recommendations on legislative actions to address any of the issues and opportunities identified by the Commission during their studies.

The Commission on Nondiscrimination is further required to submit an annual report to the Governor and General Assembly by December 15 of each year. Without extension, this Commission sunsets on June 30, 2029.

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

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MCCR would like to thank the bill sponsor Delegate Fair for taking time during this Legislative Session to discuss HB1055 with us, including the Delegate's goals with this bill and MCCR's concerns with the bill as drafted. This letter seeks to share with the Committee the concerns MCCR conveyed to Delegate Fair.

To begin, MCCR is concerned that many of the Commission on Nondiscrimination's study functions mandated by HB1055 are duplicative of authority granted to the Maryland Commission on Civil Rights. Specifically, Md. Code Ann., State Gov. ("SG") Art. §§ 20-207(a)(1) and 20-710(a)(2)-(3) authorize the Commission to "conduct studies and surveys concerning human relations, conditions, and problems"; "promote in every way possible the improvement of human relations"; and "publish and disseminate reports, recommendations, and information derived from [Commission] studies...". Copies of these statutes are enclosed for your convenience and reference.

Since MCCR's inception in 1927¹, our agency has at its core been tasked with conducting studies and advocating for reforms, with the ultimate goal of promoting and improving civil and human rights within Maryland. However, as complaints alleging unlawful discrimination have increased drastically over the last decade while staffing levels have remained relatively constant², MCCR has been forced to forego formal studies, instead focusing on (1) the enforcement of Maryland's anti-discrimination laws and (2) harnessing the Education & Outreach Unit to host trainings, forums, town halls, and other events to gather information and, more generally, address issues within our communities. Without additional staff, MCCR is unable to conduct specialized and targeted studies as authorized under current law.

As introduced, HB1055 requires MCCR and the Office of the Attorney General ("OAG") to provide staff to the Commission on Nondiscrimination. However, Delegate Fair shared with MCCR that he intends to introduce an amendment removing the staffing mandate on both MCCR and OAG. For the reasons mentioned previously, the staffing requirement would come at a cost to MCCR. However, if the sponsor's amendment is adopted, then that will mitigate the fiscal impact on MCCR.

With respect to reporting, SG § 20-207(c) requires MCCR to submit an Annual Report to the Governor and General Assembly by January 1 of each year.³ Within this report, MCCR publishes official data and information related to mission critical functions, including the enforcement of Maryland's anti-discrimination laws by our investigative and legal teams as well as efforts made by our Education & Outreach team. MCCR further uses the report to speak to current issues of importance and impact to our communities. With increased resources, MCCR could delve deeper into these pressing issues via our study authority. Despite our limitations, MCCR is able to meet its January 1 reporting deadline while working closely with private legislative sponsors to advance needed protections into Maryland law.⁴

¹ Chapter 559 of the 1927 Acts of the General Assembly.

² In FY2023, MCCR received 1,900 inquiries, authorized 661 charges, and was authorized 42 total positions. In FY2024, MCCR received 1,761 inquiries, authorized 676 charges, and was authorized 39 total positions.

³ MCCR's Annual Reports are available online at <https://mccr.maryland.gov/Pages/Publications.aspx>.

⁴ Sexual orientation protections were added in 2001 (Chapter 340). Gender identity protections were added in 2014 (Chapter 272). Source of income protections were added in 2020 (Chapters 116 and 117). Military status protections were added in 2024 (Chapters 322 and 323).

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

West's Annotated Code of Maryland
State Government (Refs & Annos)
Title 20. Human Relations (Refs & Annos)
Subtitle 2. Commission on Civil Rights (Refs & Annos)

MD Code, State Government, § 20-207

§ 20-207. General powers and duties

Effective: October 1, 2021

[Currentness](#)

Studies and surveys

(a)(1) The Commission may:

(i) conduct studies and surveys concerning human relations, conditions, and problems; and

(ii) promote in every way possible the improvement of human relations.

(2) In conducting studies and surveys, the Commission may expend any funds provided in the State budget or otherwise made available.

(3) On the basis of studies or surveys, the Commission may recommend legislation to the Governor.

Acceptance of grants

(b) The Commission may apply for and accept grants from State, federal, and private nonprofit organizations in furtherance of its mission.

Annual report

(c) On or before January 1 of each year, the Commission shall submit a report on the work of the Commission to the Governor and, subject to § 2-1257 of this article, to the General Assembly that includes:

(1) a review of the data reported under § 20-208 of this subtitle; and

(2) recommendations, if any, for policy changes to address discriminatory trends noted in the data review under item (1) of this subsection.

Investigatory hearings

(d)(1) Whenever any problem of racial discrimination arises, the Commission immediately may hold an investigatory hearing.

(2) The purpose of the hearing shall be to resolve the problem promptly by gathering all of the facts from each interested party and making recommendations as necessary.

(3) The hearing shall be held in the geographic area where the problem exists.

Meetings

(e)(1) The Commission shall meet at least once each month.

(2)(i) In addition to its regular monthly meetings, the Chair or a majority of the members of the Commission may, at any time, call a special meeting of the Commission.

(ii) At least 5 days' notice of a special meeting shall be given to the members.

(3) The Commission shall establish procedures for the conduct of its meetings.

Appeal board

(f)(1) In addition to their other duties, the commissioners shall serve on appeal boards to review decisions of the administrative law judges.

(2) As determined by the Commission's rules of procedure, an appeal board may allow any party affected by an administrative law judge's decision to introduce additional relevant testimony or evidence.

Credits

Added as [State Government § 20-208](#) by [Acts 2009, c. 120, § 2, eff. Oct. 1, 2009](#). Renumbered as [State Government § 20-207](#) by [Acts 2009, c. 366, § 2, eff. Oct. 1, 2009](#). Amended by [Acts 2019, c. 8, § 5; Acts 2021, c. 219, § 1, eff. Oct. 1, 2021; Acts 2021, c. 220, § 1, eff. Oct. 1, 2021](#).

Editors' Notes

LEGISLATIVE NOTES

Revisor's Note (Acts 2009, c. 120):

This section is new language derived without substantive change from former Art. 49B, §§ 3 and 9A(c).

In subsection (a)(3) of this section, the reference to “legislation” is substituted for the former reference to “additional legislation or changes in existing legislation” for brevity.

In subsection (c) of this section, the former reference to an “annual” report is deleted as redundant in light of the requirement that a report be submitted “each year”.

In subsection (d)(3) of this section, the reference to the “geographic” area is added for clarity.

In subsection (e)(2)(i) of this section, the reference to “its regular monthly meetings” is added for clarity.

Also in subsection (e)(2)(i) of this section, the reference to the “Chair” is substituted for the former reference to the “Chairman” because [SG § 2-1238](#) requires the use of terms that are neutral as to gender to the extent practicable.

Also in subsection (e)(2)(i) of this section, the reference to a majority “of the members” of the Commission is added for clarity.

In subsection (e)(2)(ii) of this section, the reference to “[a]t least” 5 days' notice is added for clarity.

In subsection (f)(1) of this section, the reference to serving “on appeal boards” is substituted for the former reference to serving “as an appeal board” for accuracy. Commissioners currently serve on appeal boards consisting of three members appointed by the Chair of the Commission.

In subsection (f)(1) and (2) of this section, the references to “administrative law judges” and “administrative law judge's” are substituted for the former obsolete references to the “hearing examiner” and “examiner's”, respectively.

In subsection (f)(2) of this section, the reference to an “appeal board” is substituted for the former reference to the “appellate panel of commissioners” for consistency with subsection (f)(1) of this section.

Also in subsection (f)(2) of this section, the former phrase “at the time of an appeal from the hearing examiner” is deleted as implicit.

Defined term: “Commission” [§ 20-101](#)

[Notes of Decisions \(46\)](#)

MD Code, State Government, § 20-207, MD STATE GOVT § 20-207

Current through all legislation from the 2024 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

West's Annotated Code of Maryland
State Government (Refs & Annos)
Title 20. Human Relations (Refs & Annos)
Subtitle 7. Discrimination in Housing (Refs & Annos)

MD Code, State Government, § 20-710

§ 20-710. Powers and duties of Commission

Effective: October 1, 2009

[Currentness](#)

Technical assistance, studies, and reports

(a) The Commission shall:

(1) cooperate with and provide technical assistance to federal, State, local, and other governmental units or private agencies, organizations, and institutions that are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(2) conduct studies concerning the nature and extent of discriminatory housing practices in representative urban, suburban, and rural communities throughout the State; and

(3) publish and disseminate reports, recommendations, and information derived from studies conducted under item (2) of this subsection.

Cooperation with local units

(b) The Commission may:

(1) cooperate with local units charged with the administration of local fair housing laws;

(2) with the consent of the local units, utilize the services and employees of the local units;

(3) enter into written agreements with local units to further cooperative efforts to carry out the purposes of this subtitle; and

(4) notwithstanding any other law, reimburse local units and their employees for services provided to assist in carrying out this subtitle.

Educational and conciliatory activities

(c) To further the purposes of this subtitle, the Commission may conduct educational and conciliatory activities, including:

- (1) conferences to acquaint interested persons with the provisions of this subtitle and the plans for implementation of this subtitle;
- (2) in consultation with interested persons, programs of voluntary compliance and of enforcement; and
- (3) consultations with interested persons and State and local officials to learn:
 - (i) the extent, if any, to which housing discrimination exists in the State or local political subdivisions; and
 - (ii) how State or local enforcement programs may be used to combat housing discrimination in connection with, or instead of, the Commission's enforcement of this subtitle.

Regulations

(d)(1) In accordance with Title 10, Subtitle 2 of the State Government Article, the Commission may adopt regulations to implement this subtitle and Subtitle 10, Part II of this title.

(2) The Commission shall adopt regulations requiring local units that are certified as substantially equivalent by the U.S. Department of Housing and Urban Development under [42 U.S.C. § 3610](#) to file annual reports with the Commission containing the information specified by the Commission.

Credits

Added by [Acts 2009, c. 120, § 2, eff. Oct. 1, 2009](#).

Editors' Notes

LEGISLATIVE NOTES

Revisor's Note (Acts 2009, c. 120):

This section is new language derived without substantive change from former Art. 49B, §§ 26, 35, and 36.

In subsection (a)(1) of this section, the reference to “governmental units” is substituted for the former reference to “public ... agencies” for consistency with similar provisions in this and other revised articles of the Code. Similarly, in subsections (b) and (d)(2) of this section, references to local “units” are substituted for the former references to local “agencies” and local “agencies and commissions”, respectively. See General Revisor's Note to title.

In subsection (d) of this section, the former reference to “data” is deleted as included in the reference to “information”.

Defined terms: “Commission” [§ 20-101](#)

“Discriminatory housing practice” [§ 20-701](#)

“Including” § 1-101

“Person” § 1-101

MD Code, State Government, § 20-710, MD STATE GOVT § 20-710

Current through all legislation from the 2024 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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