

ARTICLE 29. HUMAN RELATIONS

Title

1. **IN GENERAL**
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TITLE 1. IN GENERAL

Section

- 29-1-101. Definitions
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§ 29-1-101. DEFINITIONS.

(a) *In general.* In this article the following words have the meanings indicated.

(b) *Commission.* “Commission” means the Human Relations Commission established under Article 3, Title 3 of the Code.

(c) *Complainant.* “Complainant” means a person who files a complaint under this article.

(d) *Discrimination.* “Discrimination” means acting or failing to act or unduly delaying an action regarding a person because of the person's race, creed, religion, color, sex, age, national origin, marital status, or physical or mental disability, in a way that the person is adversely affected in the areas of:

- (1) Housing;
- (2) Employment;
- (3) Education;
- (4) Public accommodation; or
- (5) Financing.

(e) *Dwelling.*

(1) “Dwelling” means the whole or a part of a building, structure, mobile home, or manufactured housing which is occupied as, designed for, or intended for occupancy as a residence by one or more families.

(2) “Dwelling” includes land which is offered for sale or lease for the construction or location, in whole or in part, of a building, structure, mobile home, or manufactured housing.

(f) *Family*. “Family” includes a single individual.

(g) *Hearing*. “Hearing” means an inquiry, forum, investigation, or meeting conducted in accordance with this article.

(h) *Person*.

(1) “Person” means an individual, corporation, partnership, association, labor institution, legal representative, mutual company, financial institution, joint-stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, agent, receiver, or fiduciary.

(2) “Person” does not include the county government, county Board of Education, or community college.

(i) *Physical or mental disability*. “Physical or mental disability” means a physical or mental condition which:

(1) Substantially limits one or more of an individual's major life activities;

(2) Is historically a part of the individual's record; or

(3) Is regarded as an impairment.

(j) *Respondent*. “Respondent” means a person against whom a complaint is filed under this article.

(1988 Code, §§ 19-32, 19-39, 19-40, 19-41, 19-42, 19-43) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 39-98, § 1, 5-8-1998; Bill No. 31-00, § 2, 7-1-2004; Bill No. 74-03, § 7, 7-1-2004)

§ 29-1-102. PUBLIC POLICY.

(a) *Equal opportunity*. All citizens of the county and all persons transacting business in the county shall have an equal opportunity to pursue their lives and conduct their business free of discrimination.

(b) *Discrimination contrary to public policy*. Discrimination is contrary to the public policy of the county.

(c) *Purpose*. It is the purpose of this article to eliminate discrimination within the county.

(1988 Code, § 19-31) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004)

TITLE 2. PROHIBITED PRACTICES

Section

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SUBTITLE 1. HOUSING DISCRIMINATION

§ 29-2-101. DEFINITIONS.

(a) *In general.* In this subtitle the following words have the meanings indicated.

(b) *Discriminatory restrictive covenant.* “Discriminatory restrictive covenant” means a specification limiting the transfer or rental of a dwelling because of the person's race, creed, religion, color, sex, age, national origin, marital status, or physical or mental disability.

(c) *Housing.*

(1) “Housing” means a dwelling for the use of one or more individuals, groups, or families.

(2) “Housing” includes a mobile home site or land offered for sale or lease for the construction of a dwelling.

(d) *Rent.* “Rent” means to rent, lease, sublease, let, or otherwise grant for consideration the right to occupy premises not owned by the occupant.

(1988 Code, § 19-40) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004; Bill No. 74-03, § 6, 7-1-2004)

§ 29-2-102. PROHIBITIONS.

(a) *Sale and rental.* A person who has the right to sell, rent, control, construct, or manage a dwelling may not engage in discrimination:

- (1) In making or causing the making, printing, or publishing of a notice, statement, or advertisement regarding the sale or rental of a dwelling that indicates a preference or limitation;
- (2) In representing to a person that a dwelling is not available for inspection, sale, or rental, if the dwelling is in fact available;
- (3) In refusing to negotiate for the sale or rental of a dwelling;
- (4) In refusing to sell or rent a dwelling after the making of a bona fide offer;
- (5) In refusing to make a dwelling available;
- (6) In restricting the terms, conditions, or privileges of sale or rental of a dwelling;
- (7) In restricting the provision of services or facilities in connection with the sale or rental of a dwelling;
- (8) By including a discriminatory restrictive covenant in the transfer, sale, or rental of housing; or
- (9) By honoring, exercising, attempting to honor, or attempting to exercise a discriminatory restrictive covenant.

(b) *Multiple listing, broker's organization.* Whether the person is acting for monetary gain or not, a person may not engage in discrimination in denying a person access, membership, or participation in or restricting the terms and conditions of access, membership, or participation in a multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings.

(c) *Property values; change in nature of neighborhood.* Whether the person is acting for monetary gain or not, a person may not engage in discrimination by representing that the existing or potential proximity of real property owned, used, or occupied by persons of a particular race, creed, religion, physical or mental disability, color, sex, national origin, age, or marital status will or may result in:

- (1) The lowering of property values;
- (2) A change in the racial, religious, or ethnic character of the block, neighborhood, or area in which the property is located; or
- (3) A decline in quality of the schools and institutions serving the area.

(d) *Solicitation.* Whether the person is acting for monetary gain or not, a person may not engage in discrimination:

- (1) By knowingly inducing or attempting to induce another person to transfer an interest in real property by the representations described in subsection (c) of this section;
- (2) In placing a sign, display, or device designed to indicate that a bona fide offer is being made to sell, rent, assign, transfer, or otherwise dispose of a dwelling if, in fact, the property is not being offered for sale, rent, assignment, or transfer; or
- (3) In maintaining a sale, rent, assignment, transfer, or other similar sign for more than 7 days at a dwelling after the execution of a contract or written agreement for the sale, rental, assignment, or transfer of the dwelling.

(1988 Code, § 19-40) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004)

§ 29-2-103. DISCRIMINATORY RESTRICTIVE COVENANTS.

(a) *Void.* A discriminatory restrictive covenant is void, of no effect, and contrary to the public policy of the county.

(b) *Refusal to accept a document with discriminatory restrictive covenants.*

(1) A person may decline to accept a document affecting title to real or leasehold property if the document includes a discriminatory restrictive covenant.

(2) Refusal to accept a delivery of an instrument because it contains a discriminatory restrictive covenant may not be deemed a breach of a contract to purchase, rent, mortgage, or otherwise deal with the property.

(1988 Code, § 19-40) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004)

§ 29-2-104. EXCEPTIONS.

(a) *Age-related dwellings.* As to discrimination based on age only, this subtitle does not apply to:

(1) A medical, health, or educational institution established for a specific age group;

(2) A domiciliary, retirement, or senior citizens' home or facility; or

(3) A facility for preschool children licensed as required in the Family Law Article of the Annotated Code of Maryland.

(b) *Owner-occupied dwelling.* This subtitle does not apply to discrimination in the rental of a room or apartment in an owner-occupied dwelling containing only one rental unit.

(c) *Private membership clubs.* This subtitle does not prohibit a private club, not in fact open to the public and which as an incident to its primary purpose or purposes provides lodgings, which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of those lodgings to its members or from giving preference to its members.

(d) *Religious organization dwellings.* A religious organization, association, or society or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization may limit the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion and may give preferences to persons of the same religion.

(1988 Code, § 19-40) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004)

SUBTITLE 2. EMPLOYMENT DISCRIMINATION

§ 29-2-201. DEFINITIONS.

(a) *In general.* In this subtitle the following words have the meanings indicated.

(b) *Employee.*

(1) “Employee” means an individual employed by an employer.

(2) “Employee” does not include:

(i) An individual elected or appointed to a public office; or

(ii) An individual employed by the county government, county Board of Education, or community college.

(c) *Employer.*

(1) (i) “Employer” means a person engaged in an industry or business in the county who has one or more full-time or part-time employees for each working day for 20 or more calendar weeks in the current or preceding year.

(ii) “Employer” includes an agent of the employer.

(2) “Employer” does not include the county government, community college, and the county Board of Education.

(d) *Employment agency.*

(1) “Employment agency” means a person who regularly undertakes to procure:

(i) Employees for an employer; or

(ii) Opportunities for individuals seeking employment.

(2) “Employment agency” includes:

(i) A person who is paid or unpaid; and

(ii) An agent of the person.

(e) *Labor organization.* “Labor organization” means an organization, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with grievances, labor disputes, rates of pay, wages, hours, or other terms or conditions of employment.

(1988 Code, § 19-41) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 39-98, § 1, 5-8-1998; Bill No. 31-00, § 2, 7-1-2004)

§ 29-2-202. PROHIBITIONS.

(a) *Employer.* An employer may not engage in discrimination in:

(1) Discharging a person;

(2) Refusing to hire a person;

(3) Acting against a person with respect to compensation or other terms and conditions of employment; or

(4) The manner in which the employer limits, segregates, classifies, or assigns an employee.

(b) *Employment agency.* An employment agency may not engage in discrimination in:

(1) Failing or refusing to refer a person for employment;

(2) Acting against a person concerning the kind of employment for which a referral could have been made; or

(3) The manner in which the employment agency classifies a person for employment.

(c) *Labor organization.* With respect to its functions and activities in the county, a labor organization may not engage in discrimination in:

(1) Excluding or expelling a person from its membership;

(2) Limiting, segregating, or classifying its membership in a way that would deprive a person of employment opportunities or adversely affect the person's status as an employee or applicant for employment; or

(3) Failing or refusing to refer a person for employment in a way that would deprive the person of employment opportunities or adversely affect the person's status as an employee or applicant for employment.

(d) *Apprenticeship and training programs.* An employer or labor organization may not engage in discrimination in refusing a person for admission to or employment in a program established to provide apprenticeship or other training.

(e) *Employment advertising.* Except where the limitation or specification is a bona fide occupational qualification for employment, an employer, labor organization, or employment agency may not engage in discrimination in printing or causing to be printed a notice or advertisement indicating a preference, limitation, or specification relating to:

(1) Employment by the employer;

(2) Membership in the labor organization;

(3) A classification by the labor organization;

(4) A referral by the labor organization;

(5) A classification by the employment agency; or

(6) A referral by the employment agency.

(1988 Code, § 19-41) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 39-98, § 1, 5-8-1998; Bill No. 31-00, § 2, 7-1-2004)

§ 29-2-203. UNLAWFUL ACTS AGAINST COMPLAINANTS.

(a) *Employer.* An employer may not act or fail to act or unduly delay an action with regard to an employee or applicant for employment because the employee or applicant has:

(1) Opposed a practice that is unlawful under this subtitle; or

(2) Made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing under this article.

(b) *Employment agency.* An employment agency may not act or fail to act or unduly delay an action with regard to a person because the person has:

(1) Opposed a practice that is unlawful under this subtitle; or

(2) Made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing under this article.

(c) *Labor organization.* A labor organization may not act or fail to act or unduly delay an action with regard to a member or applicant for membership because the member or applicant has:

- (1) Opposed a practice that is unlawful under this subtitle; or
- (2) Made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing under this article.

(1988 Code, § 19-41) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 39-98, § 1, 5-8-1998; Bill No. 31-00, § 2, 7-1-2004)

§ 29-2-204. EXCEPTIONS.

(a) *Bona fide occupational qualifications.* This subtitle does not apply to bona fide occupational qualifications that are demonstrated to be reasonable, necessary, and relevant to the normal operation of the particular business or enterprise, when established by:

- (1) An employer in hiring, assigning, compensating, or discharging individuals;
- (2) An employment agency in classifying or referring individuals;
- (3) A labor organization in classifying members; or
- (4) An employer or labor organization in denying an individual admittance to a program of apprenticeship, training, or retraining.

(b) *Religious educational institutions.* This subtitle does not apply to an educational institution in hiring and employing persons of a particular religion if:

- (1) The educational institution is owned, supported, controlled, or managed, in whole or in substantial part, by a particular church, synagogue, or other religious organization or corporation; and
- (2) The curriculum is designed to comply, in whole or in part, with the doctrines or tenets of a particular religion.

(c) *Bona fide seniority or employee benefit plans.*

- (1) This subtitle does not apply to a bona fide seniority system.
- (2) (i) This subtitle does not apply to a bona fide employee benefit plan such as a retirement, pension, or insurance plan, if the system or plan is not a subterfuge to evade the purpose of this subtitle.
 - (ii) An employee benefit plan may not excuse the failure to hire a person.
- (3) In accordance with 29 U.S.C. § 623, a seniority system or employee benefit plan may not require or allow the involuntary retirement of an individual who is between the ages of 40 years old and 70 years old because of the individual's age.

(d) *Preferential treatment.* An employer, employment agency, labor organization, or joint labor-management committee may not be required to grant preferential treatment to a person because of an imbalance, compared to the general public, in the percentage or total number of people with the following characteristics employed, referred for employment, classified, admitted for membership, or admitted to apprenticeship or training programs:

- (1) Race;

- (2) Creed;
- (3) Religion;
- (4) Physical or mental disability;
- (5) Color;
- (6) Sex;
- (7) National origin;
- (8) Age; or
- (9) Marital status.

(1988 Code, § 19-41) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 39-98, § 1, 5-8-1998; Bill No. 31-00, § 2, 7-1-2004)

SUBTITLE 3. DISCRIMINATION IN PUBLIC ACCOMMODATIONS

§ 29-2-301. “PUBLIC ACCOMMODATION” DEFINED.

(1) In this subtitle “public accommodation” means a place that holds itself out as inviting the public to use its goods and services.

(2) “Public accommodation” includes a place that is not operated for profit.

(1988 Code, § 19-42) (Bill No. 31-00, § 2, 7-1-2004)

§ 29-2-302. PROHIBITION.

An owner, operator, or agent of an owner or operator of a public accommodation may not engage in discrimination in denying a person any of the accommodations, advantages, facilities, or privileges of a public accommodation.

(1988 Code, § 19-42) (Bill No. 31-00, § 2, 7-1-2004)

§ 29-2-303. EXCEPTIONS.

This subtitle does not apply to:

(1) A portion of a private club or similar establishment which is not open to the public except to the extent that the facilities of the establishment are made available to the customers or patrons of an establishment within the scope of this section;

(2) An owner-occupied establishment containing less than two rental rooms or apartments; and

(3) The county government, the county Board of Education, or county community college.

(1988 Code, § 19-42) (Bill No. 31-00, § 2, 7-1-2004)

SUBTITLE 4. DISCRIMINATION IN FINANCING

§ 29-2-401. “LENDING INSTITUTION” DEFINED.

(1) In this subtitle, “lending institution” means a person or organization regularly engaged in the business of lending money or guaranteeing loans in the county.

(2) “Lending institution” includes a bank, insurance company, or savings and loan association.

(1988 Code, § 19-43) (Bill No. 31-00, § 2, 7-1-2004; Bill No. 74-03, § 7, 7-1-2004)

§ 29-2-402. PROHIBITIONS.

(a) *Denial of a loan.* A lending institution may not engage in discrimination in denying a loan.

(b) *Conditions of loan.* A lending institution may not engage in discrimination in the fixing of the down payment, interest rate, duration, or other terms or conditions of a loan.

(1988 Code, § 19-43) (Bill No. 31-00, § 2, 7-1-2004)

§ 29-2-403. UNLAWFUL DEPOSIT OF PUBLIC FUNDS.

(a) *Deposit prohibited.* A county official who is responsible for accounting for, investing, or managing public funds may not deposit public funds in a lending institution if:

(1) The Commission has found that there is reasonable cause to believe that the lending institution has engaged in discrimination; and

(2) A court of competent jurisdiction has upheld the finding of the Commission.

(b) *Notice to other public officials.* After a court's judicial enforcement of any order to restrain discrimination by a lending institution or after any order for the lending institution to cease or desist a discriminatory practice, the executive director shall forward the name of the lending institution to all county officials in charge of public funds.

(c) *Withdrawal.* Except as provided in subsection (d) of this section, on receiving notification from the executive director that a lending institution is engaging discrimination, the county official in charge of funds in the lending institution shall withdraw the funds and redeposit them in another lending institution.

(d) *Authorized deferral.* If for reasons of sound economic management, the required withdrawal of the funds under this section will result in a financial loss to the county, the county official may defer the action for not more than 1 year.

(e) *Correction by the lending institution.* If the executive director notifies the county officials that the lending institution has corrected its discrimination, a prohibition on the deposit of public funds is no longer applicable.

(1988 Code, § 19-43) (Bill No. 31-00, § 2, 7-1-2004)

TITLE 3. HUMAN RELATIONS COMMISSION PROCEDURE

Section

- 29-3-101. General powers and duties of the Commission
- 29-3-102. Hearings on patterns of discrimination
- 29-3-103. Complaint
- 29-3-104. Commission may file a complaint
- 29-3-105. Consideration of the complaint
- 29-3-106. Dismissal by the Executive Director
- 29-3-107. Investigation
- 29-3-108. Hearing panels
- 29-3-109. Administrative hearings
- 29-3-110. Appeal
- 29-3-111. Miscellaneous authorized actions
- 29-3-112. Costs and expenses
- 29-3-113. Protection of processes and witnesses
- 29-3-114. Confidential character of information related to investigation
- 29-3-115. Criminal penalties

§ 29-3-101. GENERAL POWERS AND DUTIES OF THE COMMISSION.

(a) *Rules.*

- (1) The Commission may adopt rules of practice and procedure governing its proceedings and hearings.
- (2) The rules adopted under this subsection shall include:
 - (i) The maximum number of interrogatories to be filed; and
 - (ii) The time period within which interrogatories are to be answered.

(b) *Authority enumerated.* In consultation with the Executive Director, the Commission may:

- (1) Investigate complaints of discrimination in the areas of employment, housing, education, public accommodation, and financing;
- (2) Undertake training and seminars in intergroup relations;

- (3) Initiate and conduct surveys, studies, and inquiries;
- (4) Except as provided in § 29-3-109 of this title, conduct public hearings;
- (5) Make recommendations to the County Executive and to the County Council;
- (6) Cooperate with other Commissions, agencies, organizations, and groups, including federal, state, and county commissions, agencies, organizations, and groups; and
- (7) Provide for conciliation and mediation services.

(c) *Hearings and orders.* In accordance with this title, the Commission:

- (1) Shall hold administrative hearings; and
- (2) May:
 - (i) Issue decisions and orders; and
 - (ii) Bring an action in circuit court to enforce compliance with a final decision and order issued by the Commission.

(d) *Procedural powers.*

- (1) (i) The Commission may administer oaths and issue subpoenas:
 1. To compel the attendance and testimony of witnesses and the production of records and documents relevant and necessary for proceedings under this title; and
 2. In the administration of:
 - A. Authorized surveys and studies;
 - B. Hearings on patterns of discrimination; and
 - C. Administrative hearings.
- (ii) A subpoena shall be forwarded for service to the sheriff or deputy sheriff of the political subdivision in which the residence of the person or the main office of the firm, association, partnership, or corporation to whom the subpoena is issued is located.
- (iii) If a subpoenaed person disobeys the subpoena, the Commission, represented by the County Attorney, shall apply to a court of competent jurisdiction for an order to enforce the subpoena.

(2) The Commission may cause interrogatories to be issued on its own motion or on application of a party to a hearing.

(1988 Code, §§ 19-38, 19-39, 19-44) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-102. HEARINGS ON PATTERNS OF DISCRIMINATION.

(a) *Authority.* The Commission may hold an immediate hearing regarding patterns of discrimination which are not the subject matter of a complaint filed under this title.

(b) *Purpose.* The purpose of the hearing is to resolve the problem promptly by gathering facts and making recommendations to appropriate persons.

(c) *Recommendations not binding.* The recommendations of the Commission under this section do not constitute a binding order on any person.

(1988 Code, § 19-39) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-103. COMPLAINT.

(a) *Right to file.* A person claiming to be aggrieved by an alleged violation of this article may file a complaint as provided by this section.

(b) *Time for filing.* A person shall file a complaint not more than 6 months after the alleged violation has occurred or has been discovered by the complainant.

(c) *Procedure.* A person shall file the complaint:

- (1) With the Commission;
- (2) In writing on a form provided by the Commission; and
- (3) Under oath.

(d) *Contents of complaint.* The complaint shall state the name and address of the complainant and the respondent and other pertinent information as required by the Executive Director.

(e) *Amendment of complaint.* The complainant may reasonably amend the complaint at any time after it is filed.

(f) *Withdrawal.* The complainant may withdraw the complaint at any time.

(g) *Settlement.* The complaint may be settled at any time before a finding of reasonable cause or no reasonable cause is issued.

(h) *Confidentiality.* Except as to the complainant and the respondent, in accordance with § 29-3-114 of this title, the Commission shall maintain confidentially information that would tend to disclose the identity of a complainant or respondent.

(1988 Code, §§ 19-39, 19-44) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-104. COMMISSION MAY FILE A COMPLAINT.

(a) *Authority.* The Commission or an individual member of the Commission may file a complaint when the Commission or member of the Commission has reasonable cause to believe that a person is engaging in a pattern or practice of discrimination that is unlawful under this article.

(b) *Procedure.* A complaint filed under this section shall be processed in the same manner as a complaint filed under § 29-3-103 of this title.

(c) *Hearing by the Board of Appeals.* In accordance with the applicable provisions of this title, the Board of Appeals shall hear an administrative hearing on a complaint filed by the Commission under this section.

(1988 Code, § 19-39) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-105. CONSIDERATION OF THE COMPLAINT.

(1) The Executive Director shall consider all complaints filed under this article.

(2) Not more than 30 days after the complaint is filed, the Executive Director shall determine preliminarily if the facts alleged are sufficient to establish that a violation of this article may have occurred.

(3) The Executive Director may contact the respondent in this determination.

(1988 Code, § 19-44) (Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-106. DISMISSAL BY THE EXECUTIVE DIRECTOR.

(a) *Authorized.* If the Executive Director determines that the facts alleged are insufficient to establish that a violation of this article has occurred, the Executive Director shall:

(1) Dismiss the complaint;

(2) Send a dismissal letter by certified mail to the complainant stating the fact of the dismissal, the reasons for dismissal, and the process for the complainant to seek reconsideration of the Executive Director's decision by the Commission; and

(3) Send a copy of the dismissal letter by certified mail to the respondent.

(b) *Complainant may seek reconsideration.*

(1) In order to request reconsideration of the Executive Director's dismissal of the complaint, the complainant shall send a letter to the Chairman of the Commission within 15 days after receipt of the dismissal letter stating the reasons the complainant disagrees with the dismissal of the complaint.

(2) The Chairman shall schedule a meeting with the complainant which shall also be attended by at least two other members of the Commission, the Executive Director, and the Commission's legal advisor.

(c) *Decision of the Commission.*

(1) (i) If the Chairman and the members of the Commission determine that the complaint should be investigated, the Chairman shall inform the Executive Director of the determination in a letter and send a copy of the letter to the complainant.

(ii) The Executive Director shall proceed with an investigation of the complaint.

(2) If the Chairman and the members of the Commission determine that the complaint should be dismissed, the Chairman shall inform the complainant of the determination in a letter sent by certified mail and shall send a copy of the letter to the Executive Director.

(1988 Code, § 19-44) (Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-107. INVESTIGATION.

(a) *Authorization.* The Executive Director shall authorize the complaint for investigation and shall notify the respondent of the complaint if the Executive Director:

- (1) Is ordered to do so by the Chairman of the Commission under § 29-3-106(c)(1) of this title; or
- (2) Determines that the facts alleged in a complaint are sufficient to establish that a violation of this article may have occurred.

(b) *Time for investigation.*

- (1) Within 180 days after the authorization of a complaint for investigation, the Executive Director shall issue written findings of the results of the investigation.
- (2) If there are exigent circumstances, the Executive Director may extend the time period for an additional 180 days.

(c) *Findings.* The findings of the Executive Director shall be sent by certified mail to all parties and shall:

- (1) Summarize the factual background of the case;
- (2) State whether or not there is reasonable cause to believe that a violation of this article may have occurred;
- (3) State the basis for the finding of reasonable cause or no reasonable cause; and
- (4) Outline the next appropriate steps as provided in subsections (d) and (e) of this section.

(d) *Findings of reasonable cause and conciliation.*

(1) (i) Within 30 days after a finding of reasonable cause to believe that a violation of this article may have occurred, the Executive Director shall attempt to rectify the violation by conference, conciliation, and persuasion.

(ii) A conciliation agreement for elimination of the violation shall be reduced to a legally enforceable written instrument signed by the complainant, respondent, and Executive Director or their authorized representatives.

(2) If no conciliation agreement is reached, the Executive Director shall notify all parties by certified mail of the failure to conciliate and shall refer the matter to the Commission for a public administrative hearing under § 29-3-109 of this title.

(e) *Finding of no reasonable cause.* If the Executive Director finds that there is no reasonable cause to believe that a violation of this article may have occurred, the Executive Director shall issue a decision and order:

- (1) Advising the parties of their right, within 20 days after the finding, to request an administrative hearing before the Commission;
- (2) Detailing the method for requesting the hearing; and
- (3) Requiring a prospective appellant to list the reasons for appeal.

(1988 Code, § 19-44) (Bill No. 31-00, § 2, 7-1-2004; Bill No. 74-03, § 7, 7-1-2004)

§ 29-3-108. HEARING PANELS.

(a) *Number of members.* The Chairman shall appoint at least three members of the Commission to serve on an administrative hearing panel for the purpose of holding hearings under this title.

(b) *Complainant may not be on the panel.* An individual member of the Commission who files a complaint under this article may not participate, except as a complainant, in an administrative hearing arising from the member's complaint.

(1988 Code, § 19-38) (Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-109. ADMINISTRATIVE HEARINGS.

(a) *Failure to conciliate.* The Commission shall hold an administrative hearing if the parties fail to reach an agreement under § 29-3-107(d) of this title for the rectification of violations.

(b) *No reasonable cause.* The Commission may hold an administrative hearing on the request of any party if the Executive Director has issued a finding of no reasonable cause under § 29-3-107(e) of this title.

(c) *Certification of file; transmittal of documents.* The Executive Director shall certify the entire file and the Executive Director's findings and transmit the documents to the Commission.

(d) *Distribution of complaint.* The Chairman of the Commission shall:

- (1) Send all parties a copy of the complaint; and
- (2) Require the respondent to answer the charges at a public hearing.

(e) *Notice.* The Chairman shall issue and serve on all parties a notice giving the time and place of the public hearing before the Commission.

(f) *Rules and procedure.* The Commission shall conduct the hearing in accordance with its rules of procedure and applicable law.

(g) *De novo.* All hearings are de novo.

(h) *Authority to close a hearing.* A hearing may be closed in accordance with § 10-508 of the State Government Article of the Annotated Code of Maryland.

(i) *Consideration of evidence.* The Commission shall consider all evidence to determine whether the respondent has engaged in an act that violates this article.

(j) *Decision and order - Dismissal.* If the Commission finds that the respondent has not engaged in an act that violates this article, the Commission shall:

(1) Issue a written decision and order, stating its findings of fact and ordering the dismissal of the complaint; and

- (2) Serve each party with the decision and order.

(k) *Same - Violation.*

(1) If the Commission finds that the respondent has engaged in an act that violates this article, the Commission shall:

(i) Issue a written decision and order stating its findings, ordering the respondent to cease and desist from the act or acts, and ordering appropriate action to carry out the purposes of this article; and

- (ii) Serve each party with the decision and order.
- (2) The Commission may order and is limited to the following corrective action:
 - (i) For a violation of Title 2, Subtitle 1 of this article, the rental or sale of housing;
 - (ii) For a violation of Title 2, Subtitle 2 of this article:
 - 1. Reinstatement, hiring, or upgrading of an employee;
 - 2. Admission or restoration of an individual to labor organization membership or training; or
 - 3. Provision for or completion of reasonable and economically feasible educational programs or training to benefit those classes of employees against whom an employer has been found to have engaged in discrimination;
 - (iii) For a violation of Title 2, Subtitle 3 of this article, admission of an individual to a public accommodation;
 - (iv) For a violation of Title 2, Subtitle 4 of this article, granting of a loan or mortgage;
 - (v) Subject to paragraph (3) of this subsection, the posting in conspicuous places in the respondent's place of business of notices regarding the requirements of this article and compliance with this article;
 - (vi) Provision for or completion of educational programs or training of supervisory or management personnel in the obligations imposed by this article;
 - (vii) The filing of statistical or other reports with the Commission regarding compliance with the provisions of this article or of any order issued under this title;
 - (viii) Nonmonetary relief; or
 - (ix) Other equitable relief or action that the Commission considers appropriate.
- (3) The Executive Director shall prescribe the form of the notice required under paragraph (2)(v) of this subsection.

(1988 Code, §§ 19-32, 19-44) (Bill No. 11-96, § 1, 2-15-1996; Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-110. APPEAL.

- (a) *Right to appeal.* Within 30 days after the Commission's issuance of a decision and order under this title, a party to the proceeding that is aggrieved by the decision and order of the Commission may appeal the decision and order to the Board of Appeals.
- (b) *Board hearing; Commission a party.*
 - (1) The Board of Appeals shall hear the appeal in accordance with the rules of procedure adopted by the Board.
 - (2) The Commission shall be a party to all appeals and shall be represented at a hearing by the County Attorney.
- (c) *Burden of persuasion on the aggrieved party.* The decision and order of the Commission shall be presumed correct and the party aggrieved shall have the burden of persuasion to show that the Commission's decision and order

was arbitrary or capricious, procured by fraud, or otherwise illegal.

(1988 Code, § 19-44) (Bill No. 31-00, § 2, 7-1-2004; Bill No. 74-03, § 7, 7-1-2004)

§ 29-3-111. MISCELLANEOUS AUTHORIZED ACTIONS.

(a) *Injunctive relief.* After a complaint has been filed, if the Commission reasonably believes that civil action to preserve the status quo or to prevent irreparable harm is advisable, the Commission, represented by the County Attorney, may bring in a court of competent jurisdiction an action, including an action to obtain temporary injunctive relief, necessary to preserve the status quo or to prevent the irreparable harm.

(b) *Enforcement of a Commission order.* If a respondent refuses to comply with the decision and order of the Commission, the Commission may bring an action in a court of competent jurisdiction to enforce compliance with the decision and order.

(1988 Code, § 19-44) (Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-112. COSTS AND EXPENSES.

(a) *Complainant.* If the Commission finds that there was no reasonable cause to file the original complaint, the Commission may assess against the complainant the costs and expenses incurred by the Executive Director or by the Commission in carrying out the provisions of this title.

(b) *Findings.* In order to assess costs and expenses, the Commission shall find that the complaint was filed without substantial justification and in bad faith.

(c) *Notification.* The written decision and order of the Commission shall notify the parties of the assessment.

(1988 Code, § 19-44) (Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-113. PROTECTION OF PROCESSES AND WITNESSES.

(a) *Prohibited acts.* A person may not retaliate against another person, cause or attempt to cause a second party to retaliate against a person, or coerce or attempt to coerce a second party to retaliate against a person because the person has:

(1) Lawfully opposed an act or failure to act that is in violation of this article; or

(2) In good faith, filed a complaint, testified, participated, or assisted in any way in a proceeding under this title.

(b) *Enforcement.* This section may be enforced by civil action.

(1988 Code, § 19-45) (Bill No. 31-00, § 2, 7-1-2004; Bill No. 73-04, § 18, 9-25-2004)

§ 29-3-114. CONFIDENTIAL CHARACTER OF INFORMATION RELATED TO INVESTIGATION.

(a) *No publicity.* During the investigation of a complaint alleging a violation of this article and until matters

related to the complaint reach the administrative hearing stage, the Commission shall conduct its activities without publicity.

(b) *Information held confidential.*

(1) Except as provided in paragraphs (2) through (4) of this subsection, the Executive Director and members of the Commission shall hold confidential information that would tend to disclose the identity of the complainant and respondent.

(2) Information may be released if the complainant and the respondent agree in writing to release the information.

(3) The Commission may disclose to the respondent the identity of the complainant.

(4) The Commission may cooperate with federal and state agencies and make available to federal and state agencies its files and investigative data, if the County Attorney is satisfied that the agencies will preserve the confidentiality of the data provided and have a need to know the information.

(c) *Violations; penalty.*

(1) A Commission member or staff member of the Commission who violates this section is guilty of a misdemeanor.

(2) A Commission member who violates this section shall be removed from office.

(3) A staff member who violates this section shall be discharged.

(1988 Code, § 19-46) (Bill No. 31-00, § 2, 7-1-2004)

§ 29-3-115. CRIMINAL PENALTIES.

(a) *Prohibition.* A person may not:

(1) Falsify documents, records, or reports that have been subpoenaed under this title;

(2) Willfully give false testimony before the Commission or the Executive Director; or

(3) Intimidate a witness, complainant, or respondent in a proceeding before the Commission.

(b) *Penalty.* A person who violates this section is guilty of a misdemeanor.

(1988 Code, § 19-47) (Bill No. 31-00, § 2, 7-1-2004)

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