

**County Council of Howard County, Maryland**

2011 Legislative Session

Legislative Day No. 12

**Bill No. 54 -2011**

Introduced by: Council Members Calvin Ball, Mary Kay Sigaty, Jennifer Terrasa and Courtney Watson

AN ACT amending the Health and Social Services Title of the Howard County Code to include gender identity and expression as a classification protected against certain types of unlawful, discriminatory practices; and generally relating to the Human Rights law of Howard County.

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Introduced and read first time \_\_\_\_\_, 2011. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Stephen M. LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2011.

By order \_\_\_\_\_  
Stephen M. LeGendre, Administrator

This Bill was read the third time on \_\_\_\_\_, 2011 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Stephen M. LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_day of \_\_\_\_\_, 2011 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Stephen M. LeGendre, Administrator

Approved by the County Executive \_\_\_\_\_, 2011.

\_\_\_\_\_  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the  
2 Howard County Code is amended to read as follows:

3

4 *By repealing and reenacting without amendment*

5 *Title 12. Health and Social Services*

6 *Subtitle 2. Human Rights*

7 *Section 12.200(I)*

8 *Section 12.210(II)*

9 *Section 12.210(III)*

10

11 *By amending*

12 *Title 12. Health and Social Services*

13 *Subtitle 2. Human Rights*

14 *Section 12.200 (II)*

15 *Section 12.207 (I)(a)*

16 *Section 12.208(I)(a)*

17 *Section 12.208(I)(d)*

18 *Section 12.209(I)(a)*

19 *Section 12.210(I)(a)*

20 *Section 12.210(I)(b)*

21 *Section 12.211 (I)(a)*

22 *By renumbering*

23 *Title 12. Health and Social Services*

24 *Subtitle. Human Rights*

25 *Sections 12.201(IX)-(XVII)*

26 *By adding*

27 *Title 12. Health and Social Services*

28 *Subtitle. Human Rights*

29 *Section 12.201(IX) “Gender identity or expression”*

30

31

1 **Title 12. Health and Social Services.**

2 **Subtitle 2. Human Rights.**

3 **Sec. 12.200. - Public policy.**

4 I. *Equal Opportunity in Howard County.* The Howard County Government shall foster  
5 and encourage the growth and development of Howard County so that all persons shall  
6 have an equal opportunity to pursue their lives free of discrimination.

7 II. *Discriminatory Practices Contrary to Public Policy.* Discrimination practices based  
8 upon:

9 Race,

10 Creed,

11 Religion,

12 Handicap,

13 Color,

14 Sex,

15 National origin,

16 Age,

17 Occupation,

18 Marital status,

19 Political opinion,

20 Sexual orientation,

21 Personal appearance,

22 Familial status, [[or]]

1 Source of income, OR

2 GENDER IDENTITY OR EXPRESSION

3 are contrary to the public policy of Howard County.

4

5 **12.201. Definitions.**

6

7 IX. *GENDER IDENTITY OR EXPRESSION* MEANS A GENDER-RELATED IDENTITY OR APPEARANCE  
8 OF AN INDIVIDUAL REGARDLESS OF THE INDIVIDUAL'S ASSIGNED SEX AT BIRTH.

9 [[IX.]] X. *Handicap* means with respect to an individual:

- 10 (a) A physical or mental impairment which substantially limits one or more of the  
11 individual's major life activities; or  
12 (b) A record of having such an impairment; or  
13 (c) Being regarded as having such an impairment.

14 But the term "handicap" does not include current illegal use of or addiction to a controlled  
15 dangerous substance as defined in section 102 of the Controlled Substance Act (21 U.S.C.  
16 802).

17 [[X.]] XI. *Hearing* means an inquiry, forum, investigation or meeting conducted pursuant  
18 to this subtitle. Hearings may be closed pursuant to the requirements of article 76 of the  
19 Annotated Code of Maryland concerning meetings of public bodies.

20 [[XI.]]XII. *Occupation* means the lawful activity of one's life, regardless of income. It  
21 includes but is not limited to students, welfare recipients or retired persons.

22 [[XII.]]XIII. *Office* means the Office of Human Rights established pursuant to this  
23 subtitle.

24 [[XIII.]]XIV. *Person* means one or more individuals, corporations, partnerships,  
25 associations, labor organizations, legal representatives, mutual companies, financial  
26 institutions, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in  
27 bankruptcy, agents, receivers or fiduciaries, the government of Howard County and its  
28 agencies.

29 [[XIV.]]XV. *Personal appearance* means outward appearance of a person with regard to  
30 hair style, facial hair, physical characteristics or manner of dress. It does not relate to a

1 requirement of cleanliness, uniforms or prescribed attire, when uniformly applied, for  
2 admittance to a public accommodation or to a class of employees.

3 [[XV.]]XVI. *Political opinion* means the opinions of persons relating to:

- 4 Government,
- 5 The conduct of government,
- 6 Political parties,
- 7 Candidates for election, or
- 8 Elected office-holders.

9 [[XVI.]]XVII. *Respondent* means a person against who a complaint is filed pursuant to  
10 section 12.207B or 12.212 or this subtitle. *Respondent* includes a person identified during  
11 an investigation of a complaint and joined as an additional or substitute respondent.

12 [[XVII.]]XVIII. *Sexual orientation* means the preference or practice of an individual  
13 as to homosexuality, heterosexuality or bisexuality. This section is not intended to permit a  
14 sexual practice prohibited by law.

15  
16 **Sec. 12.207. - Unlawful housing practices.**

17 I. *Definitions.* Words and phrases used in this section have their usual meanings except  
18 as defined below:

19 (a) *Discrimination/discriminatory* means acting or failing to act, or unduly delaying  
20 any action regarding any person(s) because of:

- 21 Race,
- 22 Creed,
- 23 Religion,
- 24 Handicap,
- 25 Color,
- 26 Sex,
- 27 National origin,
- 28 Age,
- 29 Occupation,
- 30 Marital status,
- 31 Political opinion,

1 Sexual orientation,  
2 Personal appearance,  
3 Familial status, [[or]]  
4 Source of income, OR  
5 GENDER IDENTITY OR EXPRESSION

6 in such a way that such person(s) are adversely affected in the area of housing.

7  
8 **Sec. 12.208. - Unlawful employment practices.**

9 I. *Definitions.* Words and phrases used in this section have their usual meanings except  
10 as defined below:

11 (a) *Discrimination/discriminatory* means acting or failing to act, or unduly delaying  
12 any action regarding any person because of:

13 Race,  
14 Creed,  
15 Religion,  
16 Handicap,  
17 Color,  
18 Sex,  
19 National origin,  
20 Age,  
21 Occupation,  
22 Marital status,  
23 Political opinion,  
24 Sexual orientation,  
25 Personal appearance, [[or]]  
26 Familial status, OR  
27 GENDER IDENTITY OR EXPRESSION

28 in such a way that such person(s) are adversely affected in the area of employment.

29 DISCRIMINATION DOES NOT INCLUDE PROVIDING FACILITIES TO EMPLOYEES THAT ARE  
30 DISTINCTLY PERSONAL OR PRIVATE IN NATURE.

31

1 (d) *Preferential treatment:*

2 (1) No employer, employment agency, labor organization or joint labor management  
3 committee may be required to grant preferential treatment to any person(s) because of  
4 any unbalance, compared to the general public, in the percentage or total number of  
5 people with the following characteristics employed, referred for employment,  
6 classified, admitted for membership or admitted to apprenticeship or training  
7 programs:

8 Race,

9 Creed,

10 Religion,

11 Handicap,

12 Color,

13 Sex,

14 National origin,

15 Age,

16 Occupation,

17 Marital status,

18 Political opinion,

19 Sexual orientation,

20 Personal appearance, [[or]]

21 Familial status[[]], OR

22 GENDER IDENTITY OR EXPRESSION.

23  
24 **Sec. 12.209. - Unlawful law enforcement practices.**

25 I. *Definitions.* Words and phrases used in this section shall have their usual meanings  
26 except as defined below:

27 (a) *Discrimination/discriminatory* means acting or failing to act, or unduly delaying  
28 any action regarding any person(s) because of:

29 Race,

30 Creed,

31 Religion,

1 Handicap,  
2 Color,  
3 Sex,  
4 National origin,  
5 Age,  
6 Occupation,  
7 Marital status,  
8 Political opinion,  
9 Sexual orientation,  
10 Personal appearance, [[or]]  
11 Familial status, OR  
12 GENDER IDENTITY OR EXPRESSION

13 in such a way that the person(s) are adversely affected in the area of law enforcement.

14

15 **Sec. 12.210. - Unlawful public accommodations practices.**

16 I. *Definitions.* Words and phrases used in this section shall have their usual meanings,  
17 except as defined below:

18 (a) *Discrimination/discriminatory* means acting, or failing to act or unduly delaying  
19 any action regarding any person(s) because of:

20 Race,  
21 Creed,  
22 Religion,  
23 Handicap,  
24 Color,  
25 Sex,  
26 National origin,  
27 Age,  
28 Occupation,  
29 Marital status,  
30 Political opinion,  
31 Sexual orientation,



1           Personal appearance, [[or]]  
2           Familial status, OR  
3           GENDER IDENTITY OR EXPRESSION

4 in such a way that the person(s) are adversely affected in the area of public  
5 accommodations.

6           (b) *Public accommodations* means any place which holds itself out as inviting the  
7 public to utilize its goods and services, whether or not for profit. PUBLIC  
8 ACCOMMODATIONS DOES NOT INCLUDE ACCOMMODATIONS THAT ARE DISTINCTLY  
9 PRIVATE OR PERSONAL.

10 II. *Unlawful practices* means it shall be unlawful if, because of discrimination, an owner  
11 or operator (or his/her agent) of public accommodations denies any person any of the  
12 accommodations, advantages, facilities or privileges of such public accommodations.

13 III. *Exemptions*. This section shall not apply to:

14           (a) Those portions of a private club or similar establishment which is not in fact  
15 open to the general public, except to the extent that the facilities of such  
16 establishments are made available to the customers or patrons of an establishment  
17 within the scope of this section.

18           (b) Owner occupied establishments containing less than two rental rooms or  
19 apartments.

20 **Sec. 12.211. - Unlawful financing practices.**

21 I. *Definitions*. Words and phrases used in this section shall have their usual meanings  
22 except as defined below:

23           (a) *Discrimination/discriminatory* means acting or failing to act or unduly delaying  
24 any action regarding any persons because of:

- 25           Race,
- 26           Creed,
- 27           Religion,
- 28           Handicap,
- 29           Color,

1 Sex,  
2 National origin,  
3 Age,  
4 Occupation,  
5 Marital status,  
6 Political opinion,  
7 Sexual orientation,  
8 Personal appearance, [[or]]  
9 Familial status, OR  
10 GENDER IDENTITY OR EXPRESSION

11 in such a way that such person or persons are adversely affected in the area of financing.

12

13 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,

14 *Maryland, that this Act shall become effective 61 days after its enactment.*