

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 1

Bill No. 2-2022

Introduced by: The Chairperson at the request of the County Executive

AN ACT prohibiting discrimination based on citizen or immigration status in the areas of employment, law enforcement practices, public accommodations, and financing; clarifying prohibited discrimination based on citizenship or immigration status in the area of housing; and generally related to Human Rights provisions of the County Code.

Introduced and read first time _____, 2022. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing on _____, 2022.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2022 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2022 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2022

Calvin Ball, 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 Howard
2 County Code is amended as follows:

3
4 *By amending:*

- 5 *Title 12, Subtitle 2. Human Rights*
- 6 *Section 12.200. Public Policy*
- 7 *Section 12.207. Unlawful housing practices, as amended by Council Bill*
- 8 *No. 85-2021*
- 9 *Section 12.208. Unlawful employment practices*
- 10 *Section 12.209. Unlawful law enforcement practices*
- 11 *Section 12.210. Unlawful public accommodations practices*
- 12 *Section 12.211. Unlawful financing practices*

13
14 **Title 12. Health and Social Services.**
15 **Subtitle 2. Human Rights.**

16
17 **Section 12.200. Public policy; PREEMPTION.**

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

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

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

1 Political opinion,
2 Sexual orientation,
3 Personal appearance,
4 Familial status,
5 Source of income,
6 Gender identity or expression, OR
7 CITIZENSHIP OR IMMIGRATION STATUS
8 are contrary to the public policy of Howard County.

9 III. *Eliminating Discriminatory Practices.* The Howard County Government shall direct its
10 efforts and resources toward eliminating discriminatory practices within Howard County in:

- 11 (1) Housing,
- 12 (2) Employment,
- 13 (3) Law enforcement,
- 14 (4) Public accommodations,
- 15 (5) Financing, and
- 16 (6) Any other facets of the lives of its citizens where such practices may be found to exist.

17 IV. *Encouragement of Voluntary Affirmative Action Programs.* The Howard County
18 Government shall encourage the adoption and maintenance of voluntary affirmative action
19 programs.

20 V. *PREEMPTION.* A PROVISION OF THIS SUBTITLE SHALL NOT APPLY WHENEVER THE PROVISION IS
21 PREEMPTED BY STATE OR FEDERAL LAW.

22

23 **Section 12.207. Unlawful housing practices and commercial leasing practices.**

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

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

- 28 Race,
- 29 Creed,
- 30 Religion,
- 31 Disability,

1 Color,
2 Sex,
3 National origin,
4 Age,
5 Occupation,
6 Marital status,
7 Political opinion,
8 Sexual orientation,
9 Personal appearance,
10 Familial status,
11 [[Citizenship or immigration status]]
12 Source of income, [[or]]
13 Gender identity or [[expression]]EXPRESSION, OR
14 CITIZENSHIP OR IMMIGRATION STATUS in such a way that such person(s) are adversely
15 affected in the area of housing.

16 (b) *Dwelling:*

- 17 (1) The whole or any part of a building, structure, mobile home or manufactured
18 housing which is occupied as, designed for or intended for occupancy as a
19 residence by one or more families; and/or
20 (2) Land which is offered for sale or lease for the construction or location, in whole or
21 in part, of any such building, structure, mobile home or manufactured housing.

22 (c) *Housing:*

- 23 (1) A dwelling for the use of one or more individuals, groups or families; and/or
24 (2) A mobile home site or land offered for sale or lease for the construction of such
25 dwelling, building, structure, mobile home site or manufactured housing.

26 (d) *Housing for elderly* means housing for elderly that is occupied or unoccupied housing:

- 27 (1) Provided under any government program that is specifically designed and
28 operated to assist elderly individuals;
29 (2) Intended for and solely occupied by, individuals 62 years of age or older;
30 (3) Intended for and operated for occupancy by at least one individual 55 years of age
31 or older per unit; or

1 (4) That meets the requirements of housing for the elderly set out in regulations
2 adopted by the U.S. Department of Housing and Urban Development under title
3 42, section 3607(b)(2)(C) of the U.S. Code (Federal Fair Housing Act).

4 Housing for elderly includes units occupied as of September 13, 1988, by individuals
5 who do not meet the above age requirements provided that any new occupant of the
6 unit meets the age requirement.

7 (e) *Multifamily dwelling* means a building consisting of four or more dwelling units, if the
8 building has one or more elevators; or a ground floor unit in a building consisting of
9 four or more dwelling units if the building has no elevator. This definition applies only
10 in relation to discrimination based on disability.

11 (f) *In the business of selling or renting a dwelling:*

12 (1) Within the preceding 12 months, participated as principal in three or more
13 transactions involving the sale or rental of any dwelling or of any interest in a
14 dwelling; or

15 (2) Within the preceding 12 months, participated as an agent, other than in the sale of
16 the individual's own personal residence, in providing sales or rental facilities or
17 services in two or more transactions involving the sale or rental of any dwelling or
18 any interest in a dwelling; or

19 (3) Being the owner of any dwelling designed or intended for occupancy by, or
20 occupied by, two or more families.

21 (g) *To rent* includes to lease, to sublease, to let or otherwise grant for a consideration, the
22 right to occupy premises not owned by the occupant,

23 (h) *Residential real estate related transaction:*

24 (1) The making or purchasing of loans or providing other financial assistance secured
25 by residential real estate or for purchasing, constructing, improving, repairing, or
26 maintaining a dwelling; or

27 (2) The selling, brokering, or appraising of residential real property.

28 (i) *Discriminatory restrictive covenants* means any specification limiting the transfer,
29 rental or lease of a dwelling because of discrimination as defined in subsection (a)
30 above.

1 (j) *Source of income* means any lawful source of money that is paid directly or indirectly
2 to or on behalf of a renter or buyer of housing, including:

- 3 (1) A lawful profession, occupation, or job;
- 4 (2) Any government or private assistance, grant, loan, or rental assistance program,
5 including low-income housing assistance certificates and vouchers issued under
6 the [[united states housing act]]UNITED STATES HOUSING ACT of 1937;
- 7 (3) A gift, an inheritance, a pension, an annuity, alimony, child support, or any other
8 consideration or benefit;
- 9 (4) Bank, trust or investment accounts, stocks, bonds, or other financial holdings; or
- 10 (5) The sale or pledge of any property or interest in property.

11 II. *Unlawful Acts:*

12 (a) *Sale and rental.* It shall be unlawful if, because of discrimination, any person having
13 the right to sell, rent, lease, control, construct or manage a dwelling (or the person's
14 agent or employee):

- 15 (1) Makes, or causes the making, printing or publishing of any notice, statement or
16 advertisement regarding the sale or rental of a dwelling that indicates any
17 preference or limitation.
- 18 (2) Represents to a person that any dwelling is not available for inspection, sale or
19 rental, when the dwelling is in fact available.
- 20 (3) Refuses to negotiate for the sale or rental of a dwelling.
- 21 (4) Refuses to sell or rent a dwelling after the making of a bona fide offer.
- 22 (5) [[makes]]MAKES unavailable or denies a dwelling to a person.
- 23 (6) Restricts the terms, conditions or privileges of sale or rental of a dwelling.
- 24 (7) Restricts the provision of services or facilities in connection with the sale or rental
25 of a dwelling.
- 26 (8) Includes any discriminatory covenants in the transfer, sale, rental or lease of
27 housing.
- 28 (9) Honors, exercises, attempts to honor or attempts to exercise any discriminatory
29 restrictive covenant.
- 30 (10) For profit, induces or attempts to induce any person to sell or rent any dwelling by
31 representations regarding the entry or prospective entry into the neighborhood

1 based on race, creed, religion, disability, color, sex, national origin, age,
2 occupation, marital status, political opinion, sexual orientation, personal
3 appearance, familial status, source of income, [[or]] gender identity or expression,
4 OR CITIZENSHIP OR IMMIGRATION STATUS.

5 (11) Refuses to sign any documentation that allows an individual to receive funding
6 from a third-party source as long as the documentation does not change the term
7 of an underlying lease.

8 (b) *Multiple listing, brokers' organization.* It shall be unlawful if, because of
9 discrimination, any person, or their agents or employees, whether or not acting for
10 monetary gain:

11 (1) Denies any person access, membership or participation in; or

12 (2) Restricts the terms and conditions, of access, membership or participation in
13 any multiple listing service, real estate brokers' organization or other service,
14 organization or facility relating to the business of selling or renting dwellings.

15 (c) *Availability of residential real estate transactions, access to multiple listing services
16 and real estate brokers' organizations, etc.:*

17 (1) It shall be unlawful for any person or other entity whose business includes
18 engaging in residential real estate related transactions to discriminate against any
19 person in making available a transaction, or in the terms or conditions of a
20 transaction.

21 (2) Nothing in paragraph (1) above prohibits a person engaged in the business of
22 furnishing appraisals of real property to take into consideration factors other than
23 race, creed, religion, disability, color, sex, national origin, age, occupation, marital
24 status, political opinion, sexual orientation, personal appearance, familial status,
25 source of income, [[or]] gender identity or expression, OR CITIZENSHIP OR
26 IMMIGRATION STATUS.

27 (d) *Solicitation.* It shall be unlawful if, because of discrimination, any person, firm,
28 corporation or association, whether or not acting for monetary gain:

29 (1) Knowingly induces or attempts to induce another person to transfer an interest in
30 real property by such representations as are described in subsection 12.207II(c) of
31 this subtitle.

1 (2) Places a sign, display or device designed to indicate that a bona fide offer is being
2 made to sell, lease, assign, transfer or otherwise dispose of any dwelling(s) when,
3 in fact, the property is not being offered for the advertise sale, lease, assignment
4 or transfer.

5 (3) Maintains a sale, lease, assignment, transfer or other such sign for more than
6 seven days at any dwelling(s) after the execution of any contract or written
7 agreement for the sale, lease, assignment or transfer of the dwelling.

8 (e) *Modifications for persons with disabilities.* It shall be unlawful:

9 (1) To refuse to permit, at the expense of persons with disabilities, reasonable
10 modifications of existing premises occupied or to be occupied by persons with
11 disabilities if:

12 (i) The modifications may be necessary to afford the persons with disabilities
13 full enjoyment of the dwelling; and

14 (ii) For a rental dwelling, the tenant agrees that, upon vacating the dwelling, he
15 or she will restore the interior of the dwelling to the condition that existed
16 before the modification, reasonable wear and tear excepted.

17 (2) To refuse to make reasonable accommodations in rules, policies, practices, or
18 services when the accommodations may be necessary to afford persons with
19 disabilities equal opportunity to use and enjoy a dwelling.

20 (f) *Multifamily dwelling—Accessibility and usability.*

21 (1) It shall be unlawful if multifamily dwellings first occupied on or after July 1,
22 1991, are not designed and constructed in such a way that:

23 (i) The public use and common use portions of the dwelling are readily
24 accessible to and usable by persons with disabilities;

25 (ii) All doors are designed to allow passage by individuals in wheelchairs;

26 (iii) There is an accessible route into and through the dwelling;

27 (iv) Light switches, electrical outlets, thermostats and other environmental
28 controls are in accessible locations;

29 (v) The bathroom walls are reinforced to allow later installation of grab bars;
30 and

1 (vi) Bathrooms and kitchens are usable and can be maneuvered in by an
2 individual in a wheelchair.

3 (2) Multifamily dwellings are lawful which are in compliance with:

4 (i) The appropriate requirements of the American National Standard for
5 Buildings and Facilities Providing Accessibility and Usability for Physically
6 Handicapped Individuals (commonly cited as ANSI A117.1); or

7 (ii) The Federal law, regulations and guidelines on accessibility for persons with
8 disabilities adopted under the Federal Fair Housing Act Amendments of
9 1988 and incorporated by reference in the rules and regulations adopted by
10 the Maryland Department of Housing and Community Development under
11 Section 12-202 of the Public Safety Article of the Annotated Code of
12 Maryland.

13 (g) *Unlawful coercion.* Whether or not acting under color of law, it shall be unlawful to
14 coerce, intimidate, threaten, interfere with, or retaliate:

15 (1) Against any person in the exercise or enjoyment of any right granted or protected
16 by this section.

17 (2) On account of a person having exercised or enjoyed any right granted or protected
18 by this section.

19 (3) On account of a person having aided or encouraged any other person in the
20 exercise or enjoyment of any right granted or protected by this section.

21 (4) Against a person participating lawfully in speech or peaceful assembly opposing
22 any denial of the rights granted or protected by this section.

23 (h) *Leasing of Commercial Property.* An owner or operator of commercial property, an
24 agent or employee of the owner or operator of commercial property, or a person that is
25 licensed or regulated by the State shall not discriminate against an individual or entity in
26 the terms, conditions, or privileges of the leasing of property for commercial use, or in
27 the provision of services or facilities in connection with the leasing of property for
28 commercial use, for any of the reasons included in subsection I.(a) of this Section except
29 source of income and occupation.

30 III. *Discriminatory Restrictive Covenants:*

- 1 (a) *Null and void.* Any discriminatory restrictive covenant is declared to be null, void and
2 of no effect, and contrary to the public policy of this County.
- 3 (b) *Refusal to accept document with discriminatory restrictive covenants.* Any person may
4 decline to accept a document affecting title to real or leasehold property if the
5 document includes any discriminatory restrictive covenant. Refusal to accept delivery
6 of an instrument for this reason shall not be deemed a breach of a contract to purchase,
7 lease, mortgage or otherwise deal with the property.

8 IV. *Exemptions:*

- 9 (a) *Age-related dwellings.* The provisions of section 12.207 shall not apply to housing for
10 elderly when the discrimination is based on familial status, as familial status is defined
11 in Subtitle 7, Title 20 of the State Government Article of the Annotated Code of
12 Maryland.
- 13 (b) *Owner occupied dwelling.* Discrimination shall not be unlawful on the basis of sex,
14 sexual orientation, gender identity or expression, marital status, or source of income if
15 the source of income is low-income housing assistance certificates or vouchers issued
16 under the United States Housing Act of 1937 for the following:
- 17 (1) the rental of rooms in any dwelling, if the owner maintains the dwelling as the
18 owner's principal residence; or
- 19 (2) the rental of any apartment in a dwelling that contains not more than five rental
20 units, if the owner maintains the dwelling as the owner's principal residence.
- 21 (c) *Private membership clubs.* Nothing in this section shall prohibit a private club, not in
22 fact open to the public and which as an incident to its primary purpose or purposes
23 provides lodgings which it owns or operates for other than a commercial purpose, from
24 limiting the rental or occupancy of such lodgings to its members or from giving
25 preference to its members.
- 26 (d) *Religious organizational dwellings.* A religious organization, association or society, or
27 a nonprofit institution or organization operated, supervised or controlled by or in
28 conjunction with a religious organization may limit the sale, rental or occupancy of
29 dwellings which it owns or operates for other than commercial purpose to persons of
30 the same religion and may give preferences to such persons. Unless membership in the
31 religion is restricted on account of race, color, or national origin.

- 1 (e) *Sale or rental of single-family dwellings without broker, agent, advertising, etc.* The
2 provisions of section 12.207 shall not apply to the sale or rental of a single-family
3 dwelling if it is sold or rented without:
- 4 (1) Using the services of a real estate broker, agent, or salesman, or person in the
5 business of selling or renting dwellings or an agent of any of the preceding
6 persons.
- 7 (2) The publication, posting or mailing, after notice, of any advertisement or written
8 notice in violation of section 12.207.
- 9 (f) *Threats to health and safety.* Provided that the protections included in the Federal
10 Americans With Disabilities Act are not violated, the provisions of section 12.207 do
11 not require that a dwelling be made available to an individual whose ownership or
12 tenancy would constitute a direct threat to the health or safety of other individuals or
13 would result in substantial physical damage to the property of others.
- 14 (g) *Maximum occupancy.* Nothing in this section limits the applicability of any reasonable
15 local, State, or Federal restrictions regarding the maximum number of occupants
16 permitted to occupy a dwelling.
- 17 (h) *Use of attorneys, escrow agents, etc., does not affect otherwise exempted persons.* The
18 use of attorneys, escrow agents, abstractors, title companies, and other similar
19 professional assistance as necessary to perfect or transfer the title shall not affect the
20 exempt status of persons pursuant to this subsection.
- 21 (i) *Source of income.* It shall not be unlawful discrimination on the basis of source of
22 income if a decision is based on:
- 23 (1) The ability to pay rent or pay a purchase price, which is determined by reasonable
24 and nondiscriminatory standards such as verification of the source and amount of
25 income or the creditworthiness of the buyer or renter; or
- 26 (2) The consideration of income derived from any criminal activity; or
- 27 (3) The determination, in accordance with applicable federal and state laws, of the
28 ability of a potential buyer to repay a mortgage.
- 29

1 **Section 12.208. Unlawful employment practices.**

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

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

6 Race,

7 Creed,

8 Religion,

9 Disability,

10 Color,

11 Sex,

12 National origin,

13 Age,

14 Occupation,

15 Marital status,

16 Political opinion,

17 Sexual orientation,

18 Personal appearance,

19 Familial status, [[or]]

20 Gender identity or [[expression]]EXPRESSION, OR

21 CITIZENSHIP OR IMMIGRATION STATUS

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

23 Discrimination does not include providing services or accommodations to employees that
24 are distinctly personal or private in nature.

25 (b) *Because of sex* includes because of or on the basis of pregnancy, childbirth, or related
26 medical conditions. Women affected because of pregnancy, childbirth, or related medical
27 conditions shall be treated the same for all employment related purposes, including
28 receipt of benefits under fringe benefit programs, as other persons not so affected, but
29 similar in their ability or inability to perform work.

30 (c) *Employee* means an individual employed by an employer. *Employee* does not include any
31 person elected to public office.

1 (d) *Employer* means a person, engaged in an industry or business, who has five or more full-
2 time or part-time employees for each working day in each 20 or more calendar weeks in
3 the current or previous calendar year and any agent of such a person. Howard County,
4 Maryland is included as an employer to the extent provided in this section.

5 (e) *Employment agency* means a person, paid or unpaid, or his/her agent, regularly
6 undertaking to procure:

7 (1) Employees for an employer; or

8 (2) Opportunities for individuals seeking employment.

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

13 II. *Unlawful Practices:*

14 (a) *Unlawful acts of employers.* It shall be unlawful if, because of discrimination, an
15 employer:

16 (1) Discharges a person; or

17 (2) Refuses to hire a person; or

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

20 (4) Limits, segregates, classifies or assigns employees.

21 (b) *Unlawful acts of employment agencies.* It shall be unlawful if, because of
22 discrimination, an employment agency:

23 (1) Fails to refer a person for employment; or

24 (2) Refuses to refer a person for employment; or

25 (3) Acts against a person concerning the kind of employment for which a referral
26 could have been made; or

27 (4) Classifies a person for employment.

28 (c) *Unlawful acts of labor organizations.* It shall be unlawful if, because of discrimination,
29 a labor organization with respect to its functions and activities in Howard County:

30 (1) Excludes or expels any person from its membership; or

1 (2) Limits, segregates or classifies its membership in any way which would deprive
2 any person of employment opportunities or adversely affect the person's status as
3 an employee or Applicant for employment; or

4 (3) Fails or refuses to refer a person for employment, in any way which would
5 deprive the person of employment opportunities, or adversely affect the person's
6 status as an employee or Applicant for employment.

7 (d) *Unlawful acts—Apprenticeship and training programs.* It shall be unlawful if, because
8 of discrimination, an employer or labor organization located or domiciled in Howard
9 County refuses a person for admission to or employment in any program established to
10 provide apprenticeship or other training.

11 (e) *Unlawful acts—Employment advertising.* Except where the limitation or specification
12 is a bona fide occupational qualification for employment, it shall be unlawful if,
13 because of discrimination, an employer, labor organization or employment agency
14 prints or causes to be printed any notice or advertisement indicating any preference,
15 limitation or specification relating to:

16 (1) Employment by the employer; or

17 (2) Membership in the labor organization; or

18 (3) Any classification by the labor organization; or

19 (4) Any referral by the labor organization; or

20 (5) Any classification by the employment agency; or

21 (6) Any referral by the employment agency.

22 (f) *Unlawful acts—Against complainants:*

23 (1) It shall be unlawful for an employer to discriminate against any of his/her
24 employees or Applicants for employment because the employee or Applicant has
25 opposed any practice which is unlawful under this section or because the
26 employee or Applicant has made a charge, testified, assisted or participated in any
27 manner in an investigation, proceeding or hearing pursuant to this subtitle.

28 (2) It shall be unlawful for an employment agency to discriminate against any person
29 because the person has opposed any practice which is unlawful under this section
30 or because the person has made a charge, testified, assisted or participated in any
31 manner in an investigation, proceeding or hearing pursuant to this subtitle.

1 (3) It shall be unlawful for a labor organization to discriminate against a member or
2 Applicant for membership because the member or Applicant has opposed any
3 practice which is unlawful under this section or because the member or Applicant
4 has made a charge, testified, assisted or participated in any manner in an
5 investigation, proceeding or hearing under this subtitle.

6 III. *Exemptions:*

7 (a) *Bona fide occupational qualifications.* When it is demonstrated that bona fide
8 occupational qualifications are reasonable, necessary and relevant to the normal
9 operation of the particular business or enterprise, this section shall not apply in the case
10 of bona fide occupation qualifications established by:

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

16 (b) *Educational institutions.* This section shall not apply to educational institutions in
17 hiring and employing persons of a particular religion if the school, college or
18 educational institution is:

- 19 (1) Owned, supported, controlled or managed, in whole or in substantial part, by a
20 particular church, synagogue, or other religious organization or corporation; or
- 21 (2) If the curriculum is designed to comply, in whole or in part, with the doctrines or
22 tenets of a particular religion.

23 (c) *Bona fide seniority or employee benefit plans:*

- 24 (1) This section shall not apply to bona fide seniority systems.
- 25 (2) This section shall not apply to a bona fide employee benefit plan such as a
26 retirement, pension or insurance plan, if the system or plan is not a subterfuge to
27 evade the purposes of this section.
- 28 (3) No such employee benefit plan shall excuse the failure to hire a person.
- 29 (4) In addition, pursuant to 29 USC section 263 (as may be amended from time to
30 time), no seniority system or employee benefit plan shall require or permit the

1 involuntary retirement of any individual between the ages of 40 and 70 because of
2 the individual's age.

3 (d) *Preferential treatment:*

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

10 Race,

11 Creed,

12 Religion,

13 Disability,

14 Color,

15 Sex,

16 National origin,

17 Age,

18 Occupation,

19 Marital status,

20 Political opinion,

21 Sexual orientation,

22 Personal appearance,

23 Familial status, [[or]]

24 Gender identity or [[expression]]EXPRESSION, OR

25 CITIZENSHIP OR IMMIGRATION STATUS.

26 (2) An employer, employment agency, labor organization or joint labor-management
27 committee may adopt and maintain a voluntary affirmative action program.

28 (e) *Howard County employees.* The Office or the Human Rights Commission may not take
29 action with respect to any allegation of discrimination against the Howard County
30 Government until the aggrieved individual has exhausted all of the individual's
31 administrative remedies pursuant to Article VII of the Howard County Charter and any

1 laws or regulations enacted pursuant to Article VII. Provided that all other
2 requirements of section 12.212 have been met, any time requirements contained in
3 subsection III (a)(2), (b)(3), and (d) of this section shall be stayed pending the outcome
4 of the administrative action required by Article VII of the Howard County Charter.
5

6 **Section 12.209. Unlawful law enforcement practices.**

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

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

11 Race,

12 Creed,

13 Religion,

14 Disability,

15 Color,

16 Sex,

17 National origin,

18 Age,

19 Occupation,

20 Marital status,

21 Political opinion,

22 Sexual orientation,

23 Personal appearance,

24 Familial status, [[or]]

25 Gender identity or [[expression]]EXPRESSION, OR

26 CITIZENSHIP OR IMMIGRATION STATUS.

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

28 II. *Authority of Office of Human Rights and Equity To Receive Complaints.* The Office may
29 receive any citizen's complaint involving discrimination against any law enforcement
30 Officer operating within Howard County if the complaint alleges any of the following
31 categories or complaints that are defined and prohibited by law or regulation:

- 1 (a) Police harassment; or
- 2 (b) Excessive use of force in the performance of the Officer's duties; or
- 3 (c) The Officer's use of language which would demean the inherent dignity of any person.

4 III. *Forwarding of Complaint to Law Enforcement Agency:*

5 (a) *Forward complaints with merit.* If the Administrator of the Office finds that the
6 allegations in the complaint may have merit, the Administrator shall forward a request
7 for appropriate action to the law enforcement agency involved, with a copy to the
8 State's Attorney.

9 (b) *Contents of request to law enforcement agency.* The request to the law enforcement
10 agency shall contain:

- 11 (1) The facts concerning the incident;
- 12 (2) The name of the law enforcement Officer(s) involved;
- 13 (3) The name and address of the complaining party of all witnesses;
- 14 (4) A copy of all information compiled by the Office.

15 IV. *Investigation by Law Enforcement Agency.* Upon request of the Office and when permitted
16 by law, the law enforcement agency shall commence an investigation pursuant to the
17 provisions of Subtitle 1 of Title 3 of the Public Safety Article of the Annotated Code of
18 Maryland, and any other pertinent provisions of law, and upon its completion provide a
19 report of the investigation to the Office.

20
21 **Section 12.210. Unlawful public accommodations practices.**

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

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

- 26 Race,
- 27 Creed,
- 28 Religion,
- 29 Disability,
- 30 Color,
- 31 Sex,

1 National origin,
2 Age,
3 Occupation,
4 Marital status,
5 Political opinion,
6 Sexual orientation,
7 Personal appearance,
8 Familial status, [[or]]
9 Gender identity or [[expression]]EXPRESSION, OR
10 CITIZENSHIP OR IMMIGRATION STATUS

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

13 (b) *Public accommodations* means any place which holds itself out as inviting the public
14 to utilize its goods and services, whether or not for profit. Public accommodations does
15 not include accommodations that are distinctly private or personal.

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

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

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

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

25
26 **Section 12.211. Unlawful financing practices.**

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

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

31 Race,

1 Creed,
2 Religion,
3 Disability,
4 Color,
5 Sex,
6 National origin,
7 Age,
8 Occupation,
9 Marital status,
10 Political opinion,
11 Sexual orientation,
12 Personal appearance,
13 Familial status, [[or]]
14 Gender identity or [[expression]]EXPRESSION, OR
15 CITIZENSHIP OR IMMIGRATION STATUS

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

18 (b) *Dwelling*:

19 (1) The whole or any part of a building, structure or mobile home occupied as,
20 designed for or intended for occupancy as a residence by one or more families.

21 (2) Land which is offered for sale or lease for the construction or location, in whole or
22 in part, of any such building, structure or mobile home.

23 (c) *Lending institutions* means a bank, insurance company, savings and loan association,
24 or other person or organization regularly engaged in the business of lending money or
25 guaranteeing loans within Howard County.

26 II. *Unlawful Acts*:

27 (a) *Denial of loan*. It shall be unlawful if, because of discrimination, any lending
28 institution denies a loan for purposes including, but not limited to:

29 (1) The purchase, construction, improvement, repair or maintenance of a dwelling; or

30 (2) The establishment or continuance of a business establishment; or

31 (3) Personal purposes.

1 (b) *Conditions of loan.* It shall be unlawful if, because of discrimination, any lending
2 institution discriminates against any person in the fixing of down payment, interest
3 rate, duration or other terms or conditions of a loan.

4 (c) *Unlawful deposit of public funds:*

5 (1) If the Commission has made a determination of reasonable cause to believe that a
6 lending institution has engaged in a discriminatory practice and if the finding has
7 been upheld by the court, it shall be unlawful for any governmental official whose
8 responsibility it is to account for, invest or manage public funds to deposit public
9 funds in that lending institution.

10 (2) Upon the court's judicial enforcement of any order to restrain a discriminatory
11 practice of a lending institution, or upon any order for the lending institution to
12 cease or desist a discriminatory practice, the Administrator shall forward the name
13 of the lending institution to all governmental officials in charge of public funds.

14 (3) If public funds are on deposit in any lending institution, the governmental official
15 in charge of the funds shall, upon notification from the Administrator that the
16 lending institution is discriminating, withdraw the funds and redeposit them in
17 another lending institution.

18 (4) If, for reasons of sound economic management, this action will result in a
19 financial loss to the County, the action may be deferred for up to one year.

20 (5) If the Administrator notifies the government officials that the lending institution
21 has corrected its discriminatory practices, any prohibition on the deposit of public
22 funds is no longer applicable.

23
24 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
25 *this Act shall become effective 61 days after its enactment.*