

Introduced 2/2/15  
 Public Hearing 2/17/15 Tabled 3/2/15  
 Council Action 5/4/15 Extended 4/6/15  
 Executive Action 5/17/15  
 Effective Date 7/17/15

**County Council Of Howard County, Maryland**

2015 Legislative Session

Legislative Day No. **2**

**Bill No. 4-2015**

Introduced by the Chairperson at the request of the County Executive

~~AN ACT, reorganizing the Executive Branch of County Government pursuant to Section 403 of the Howard County Charter; amending certain definitions; providing that the County Executive shall designate the Executive Secretary of the Human Rights Commission; amending the number of times per year the Commission is required to meet; requiring that the Commission perform certain outreach and education activities; making certain corrections to conform to the State's Open Meetings Act; removing the requirement that the Human Rights Administrator serve as the Executive Secretary to the Human Rights Commission; correcting cross references; clarifying certain language; clarifying certain standards of review to ensure consistency; clarifying that only ripe cases may proceed; clarifying certain actions taken by County Employees; clarifying certain notice and nonexclusive remedy provisions; requiring certain reports; authorizing certain corrections to outlining style; making certain technical corrections; and generally relating to the Executive Branch of County Government.~~  
AN ACT, amending certain definitions; amending the number of times per year the Commission is required to meet; making certain corrections to conform to the State's Open Meetings Act; correcting cross references; clarifying certain language; clarifying certain standards of review to ensure consistency; clarifying that only ripe cases may proceed; clarifying certain actions taken by County Employees; clarifying certain notice and nonexclusive remedy provisions; authorizing certain corrections to outlining style; making certain technical corrections; and generally relating to Human Rights in Howard County.

Introduced and read first time February 2, 2015. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
 Jessica Feldmark, 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 February 17, 2015.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Tabled March 2, 2015  
Extended April 6, 2015

This Bill was read the third time on May 4, 2015 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 6th day of May, 2015 at 3:30 a.m./p.m.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Approved by the County Executive 5/17/2015, 2015

Allan H. Kittleman  
 Allan H. Kittleman, 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 as follows:**

3 **By amending:**

4 *Title 12 – Health and Social Services*

5 1. *Subsections X, XI, XVII, and XVIII of Section 12.201 “Definitions”;*

6 2. *Subsections IV, VI, and paragraphs (n) and (p), both of*  
7 *Subsection IX of Section 12.202 “Human Rights Commission”;*

8 ~~3. Section 12.206 “Functions, powers and duties of the Office of the~~  
9 ~~*Administrator”;*~~

10 ~~43.~~ *Paragraph (e) of Subsection I of Section 12.207 “Unlawful Housing*  
11 *Practices”;*

12 ~~54.~~ *Paragraph (g) Subsection II of Section 12.207 “Unlawful Housing*  
13 *Practices”;*

14 ~~65.~~ *Introductory language and Subsections I and II, all of Section 12.207A*  
15 *“Unlawful housing practices- Subpoenas; evidence; conciliation; civil*  
16 *action”;*

17 ~~76.~~ *Section 12.207B “Same- Complaint; determination; resolution;*  
18 *enforcement”;*

19 ~~87.~~ *Section 12.207C “Civil action by Commission on its own initiative”;*

20 ~~98.~~ *Paragraph (b) of Subsection I and Paragraphs (e) of Subsection III, all of*  
21 *Section 12.208 “Unlawful employment practices”;*

22 ~~109.~~ *Subsection IV of Section 12.209 “Unlawful employment practices”;*

23 ~~110.~~ *Section 12.212 “Unfair employment practices, unfair public accommodation*  
24 *practices, unfair law enforcement practices, unfair financing practices—*  
25 *Complaint, investigation, conciliation, decision and order, administrative*  
26 *hearing, subpoena power and enforcement”;*

27 ~~1211.~~ *Section 12.214 “Confidential character of information related to*  
28 *investigation”;* and

29 ~~13.~~ *Section 12.215 “Criminal penalties for falsification of documents, etc.”; and*

30 ~~1412.~~ *Subsection III of Section 12.217 “Nonexclusive Remedy”.*

31

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

3 **Subtitle 2. Human Rights.**  
4

5 **Section 12.201. Definitions.**

6 Words and phrases used in this subtitle shall have their usual meaning except as defined  
7 below:

8 X. *Disability* means with respect to an individual:

9 (a) A physical or mental impairment which substantially limits one or more of the  
10 individual's major life activities; or

11 (b) A record of having such an impairment; or

12 (c) Being regarded as having such an impairment.

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

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

19 XVII. *Respondent* means a person against ~~[[who]]~~ WHOM a complaint is filed pursuant to  
20 section 12.207B or 12.212 or this subtitle. Respondent includes a person identified during an  
21 investigation of a complaint and joined as an additional or substitute respondent.

22 XVIII. *Sexual orientation* means the ~~[[preference or practice]]~~ ACTUAL OR PERCEIVED  
23 IDENTIFICATION of an individual as to ~~MALE OR FEMALE~~ homosexuality, heterosexuality or  
24 bisexuality. ~~[[This section is not intended to permit a sexual practice prohibited by law.]]~~  
25

26 **Section 12.202. Human Rights Commission.**

27 ~~IV. *Executive Secretary*. The ~~[[Human Rights Administrator or the Administrator's~~  
28 ~~designee]] COUNTY EXECUTIVE SHALL DESIGNATE ~~[[shall serve as]]~~ the Executive Secretary~~  
29 ~~of the ~~[[Commission and]]~~ COMMISSION. THE EXECUTIVE SECRETARY shall attend all~~  
30 ~~meetings and hearings of the Commission and, in addition to the duties specified in this~~  
31 ~~subtitle, shall perform duties as prescribed by the Commission.~~~~

1 VI. *Monthly and Additional Meetings.* The Commission shall meet at least [[once each  
2 month]] 11 TIMES PER YEAR and shall conduct each meeting pursuant to its rules of procedure.  
3 It may hold additional meetings and hearings provided the Chairperson of the Commission  
4 gives the Commission members and the [[human rights]] HUMAN RIGHTS Administrator at  
5 least three days' written notice.

6 IX. *Duties and Responsibilities.* The Human Rights Commission shall carry out all duties  
7 and responsibilities assigned to it by law.

8 (a) — *Civil rights policy.* The Commission shall be responsible for recommending a  
9 civil rights policy to the County Executive and the County Council  
10 concurrently.

11 (b) — *Studies and surveys.* The Commission shall have the authority to make  
12 surveys and studies concerning human rights, conditions, and problems. It  
13 may publish reports, make recommendations and, in every way possible,  
14 promote human rights in Howard County.

15 (c) — *Filing of complaint — Discriminatory practices and patterns of conduct.* The  
16 Commission or individual Commissioner(s) shall have the authority to file a  
17 complaint when the Commission or Commissioner(s) have reasonable cause  
18 to believe the existence of a pattern or practice of discrimination unlawful  
19 under the provisions of this subtitle. Complaints filed under this subsection  
20 shall be processed in the same manner as complaints filed under section  
21 12.207A or 12.212 of this subtitle. If the Commission files a complaint under  
22 the provisions of this section any administrative hearing on the complaint  
23 shall be heard by the Howard County Board of Appeals.

24 (d) — *Hearings — Patterns of discrimination.* The Commission shall have the  
25 authority to hold an immediate hearing regarding patterns of discrimination  
26 which are not the subject matter of a complaint filed pursuant to section  
27 12.207A or 12.212 of this subtitle. The purpose of the hearing is to resolve the  
28 problem promptly by gathering facts and making recommendations to  
29 appropriate persons. The recommendations of the Commission, in these  
30 instances, do not constitute any binding order upon any person.

- 1           (e) ~~Administrative hearings.~~ The Commission shall hold administrative hearings  
2           pursuant to section 12.207A or 12.212 of this subtitle.
- 3           (f) ~~Informing the citizens.~~ The Commission shall ~~[[have the authority to]]~~ inform  
4           the citizens of Howard County of practices and patterns of conduct which may  
5           be discriminatory, AND SHALL CONDUCT A PUBLIC INFORMATION, OUTREACH,  
6           AND EDUCATION PROGRAM IN ORDER TO HEIGHTEN PUBLIC AWARENESS OF  
7           DISCRIMINATION AND METHODS FOR ELIMINATING DISCRIMINATION. THE  
8           COMMISSION SHALL ALSO EDUCATE THE PUBLIC ABOUT THE COMPLAINT  
9           PROCESS.
- 10          (g) ~~Decisions and orders.~~ The Commission may issue decisions and orders  
11          pursuant to section 12.207B or 12.212IV of this subtitle.
- 12          (h) ~~Affirmative action.~~ The Commission may order affirmative action pursuant to  
13          section 12.207B or 12.212IV of this subtitle.
- 14          (i) ~~Action in circuit court.~~ The Commission may bring an action in circuit court  
15          to enforce compliance with a decision and order issued pursuant to section  
16          12.207B or 12.212 of this subtitle.
- 17          (j) ~~Appointment of Human Rights Administrator.~~ The Commission ~~[[shall]]~~ MAY  
18          assist the Chief Administrative Officer and the County Executive on the  
19          appointment of the Human Rights Administrator.
- 20          (k) ~~Budget.~~ The Commission shall submit to the County Executive a timely  
21          budget request for expenses necessary to carry out the provisions of this  
22          subtitle. It shall review the budget of the Office of Human Rights before that  
23          budget is submitted to the County Executive. The Commission may comment  
24          on its own budget and that of the Office of Human Rights at any time in the  
25          budget process.
- 26          (l) ~~Review monthly reports.~~ The Commission shall review the monthly reports  
27          prepared by the Human Rights Administrator pursuant to section 12.206 of  
28          this subtitle.
- 29          (m) ~~Annual and other reports.~~ In addition to the annual report, the County  
30          Executive or the County Council may require the Commission to make  
31          interim reports. The interim reports shall not contain the identities of parties to

1 cases which have been reconciled or are pending. On or before February 28 of  
2 each year the Commission shall make an annual report to the County  
3 Executive and the County Council. The report shall:

4 (i) — Outline the activities of the Commission during the previous calendar  
5 year.

6 (ii) — Identify actions or programs undertaken during the prior calendar year.

7 (iii) — Identify other matters relevant to the authorized activities of the  
8 Commission.

9 (iv) — Report on the cause of and means of eliminating discrimination.

10 (v) — Contain recommendations for further legislation as needed.

11 (n) *Confidential information.* [[The]] TO THE EXTENT PERMITTED BY THE STATE  
12 PUBLIC INFORMATION ACT, AND UNLESS REQUIRED OTHERWISE BY SECTION  
13 12.214 OF THIS SUBTITLE, THE Commission shall hold confidential any  
14 information that would tend to disclose the identity of a complainant and/or  
15 respondent [[pursuant to section 12.214 of this subtitle]].

16 (o) — At the directive of the County Executive or by resolution of the County  
17 Council, the Human Rights Commission shall review and make  
18 recommendations on any matter related to human rights.

19 (p) WHEN PERFORMING AN ADVISORY FUNCTION UNDER THIS SUBTITLE, AS  
20 DEFINED IN THE STATE OPEN MEETINGS ACT, THE COMMISSION MAY MEET IN  
21 CLOSED SESSION IF PERMITTED TO DO SO UNDER THE STATE OPEN MEETINGS  
22 ACT.

23  
24 **~~Section 12.206. Functions, powers and duties of the Office of the Administrator.~~**

25 **~~I. Duties and Responsibilities:~~**

26 (1) — ~~Administration/enforcement of human rights law.~~ The Office of Human Rights  
27 is responsible for administering and enforcing the provisions of Howard  
28 County Human Rights Law, including, but not limited to:

29 (a) — Investigating complaints of discrimination to determine whether a  
30 violation of the Howard County Human Rights Law has occurred.

1                   (b) ~~Attempting to eliminate violations of the Human Rights Law by~~  
2                   ~~conference, conciliation and persuasion.~~

3                   (2) ~~Reports.~~ The Office of Human Rights and its Administrator shall make:

4                   (a) ~~Annual reports to the County Executive and the County Council~~  
5                   ~~providing a statistical summary of the number, type and disposition of~~  
6                   ~~complaints received by the Office.~~

7                   (b) ~~Monthly reports to the Commission briefly describing the factual~~  
8                   ~~situation of new cases, and the status and disposition of all other cases.~~

9  
10                   The Human Rights Administrator shall make periodic reports to the County  
11                   Executive, County Council and the Human Rights Commission on the Office's  
12                   involvement in discrimination education programs and on the extent of its  
13                   cooperate efforts with governmental and community agencies to combat  
14                   discrimination.

15                   (3) ~~Liaison with community.~~ The Office of Human Rights serves as liaison with  
16                   the public, government agencies and community groups to develop plans and  
17                   programs to combat discrimination and assist and cooperate with other local,  
18                   State and Federal agencies and officials to protect and promote better human  
19                   relations. The Office of Human Rights shall work with these agencies and  
20                   groups in developing educational programs, heightening public awareness of  
21                   discrimination and of methods of eliminating discrimination. The Office of  
22                   Human Rights shall serve as a catalyst in fostering attitudes and beliefs among  
23                   Howard County citizens which confirm that all individuals have an equal  
24                   opportunity to pursue their lives free of discrimination.

25                   ~~Executive Secretary.~~ The Human Rights Administrator serves as Executive  
26                   Secretary of the Human Rights Commission.]]

27                   ~~Rules of procedure.~~ The Human Rights Administrator shall formulate and  
28                   promulgate rules of procedure necessary to carry out the purposes of this  
29                   subtitle, pursuant to the Administrative Procedure Act of Howard County  
30                   (title 2, subtitle 1 of this Code).

1           ~~[[6]]5)Other duties and responsibilities. The Office of Human Rights and its~~  
2           ~~Administrator shall perform the statutory duties set forth in this subtitle. The~~  
3           ~~Office of Human Rights shall perform such other functions as may be~~  
4           ~~prescribed by directive of the County Executive or by law.~~

5  
6   **Section 12.207. Unlawful housing practices.**

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

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

14   II. *Unlawful Acts:*

15           (g)   *Multifamily dwelling—Accessibility and usability.*

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

- 18                   (i)   The public use and common use portions of the dwelling are  
19                   readily accessible to and usable by [[handicapped individuals]]  
20                   PERSONS WITH DISABILITIES;
- 21                   (ii)   All doors are designed to allow passage by individuals in  
22                   wheelchairs;
- 23                   (iii)   There is an accessible route into and through the dwelling;
- 24                   (iv)   Light switches, electrical outlets, thermostats and other  
25                   environmental controls are in accessible locations;
- 26                   (v)   The bathroom walls are reinforced to allow later installation of  
27                   grab bars; and
- 28                   (vi)   Bathrooms and kitchens are usable and can be maneuvered in  
29                   by an individual in a wheelchair.

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



- 1 (i) The appropriate requirements of the American National  
2 Standard for Buildings and Facilities Providing Accessibility  
3 and Usability for Physically Handicapped Individuals  
4 (commonly cited as ANSI A117.1); or  
5 (ii) The Federal law, regulations and guidelines on accessibility for  
6 [[physically handicapped individuals]] PERSONS WITH  
7 DISABILITIES adopted under the Federal Fair Housing Act  
8 Amendments of 1988 and incorporated by reference in the  
9 rules and regulations adopted by the Maryland Department of  
10 Housing and Community Development under article 83B of the  
11 Annotated Code of Maryland.

12  
13 **Section 12.207A. Unlawful housing practices—Subpoenas; evidence; conciliation; civil**  
14 **action.**

15 The procedures and requirements provided in section 12.207A and 12.207B shall apply only  
16 to matters involving unlawful housing practices. [[However, any procedures and  
17 requirements provided in section 12.212 which are not included in sections 12.207A and  
18 12.207B shall also apply to matters involving unlawful housing practices.]] PROCEDURES  
19 GOVERNING COMPLAINTS, SETTLEMENTS, INVESTIGATIONS, FINDINGS OF REASONABLE CAUSE,  
20 ADMINISTRATIVE HEARINGS, APPEALS, OATHS, INJUNCTIVE RELIEF, AND ENFORCEMENT THAT  
21 ARE NOT OTHERWISE CONTAINED IN THIS SECTION SHALL BE IN ACCORDANCE WITH SECTION  
22 12.212 OF THIS SUBTITLE.

23 I. *Subpoenas, etc.:*

- 24 (a) *Right to subpoena.* The Human Rights Administrator and the Human Rights  
25 Commission may issue subpoenas and order discovery in aid of investigations  
26 and hearings concerning unlawful housing practices. Discovery shall be  
27 conducted as expeditiously and inexpensively as possible consistent with the  
28 need to obtain relevant evidence.  
29 (b) *Requirement to respond to subpoena to provide evidence.* A person may not  
30 willfully fail or neglect to attend and testify, to answer any lawful inquiry, or  
31 to produce records, documents, or other evidence, if it is in the person's power

1 to do so, in obedience to the subpoena or other lawful order issued pursuant to  
2 paragraph (a) of this subsection.

3 (c) *False or incomplete evidence; destruction of evidence.* A person, with intent  
4 to mislead another person in a proceeding concerning unlawful housing  
5 practices, may not:

6 (1) Make or cause to be made any false entry or statement of fact in a  
7 report, account, record or other document produced pursuant to  
8 subpoena or other lawful order issued pursuant to paragraph (a) of this  
9 subsection;

10 (2) Willfully neglect or fail to make or to cause to be made full, true and  
11 correct entries in the reports, accounts, records, or other documents; or

12 (3) Willfully mutilate, alter, or by another means falsify any documentary  
13 evidence.

14 (d) *Penalty for providing false or incomplete, evidence or for destroying*  
15 *evidence.* Pursuant to [[State law]] SECTION 20-1102 OF THE STATE  
16 GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, a person  
17 who is convicted of violating the provisions of paragraph (b) or (c) of this  
18 subsection shall be fined not more than \$100,000.00 or imprisoned not more  
19 than one year or both.

20 II. *Conciliation:*

21 (a) *Settlement by conciliation.* A complaint alleging unlawful housing practices  
22 may be settled by conciliation at any time in the process. During the entire  
23 period after a complaint is filed, the Human Rights Administrator and, where  
24 appropriate, the Human Rights Commission, shall engage in conciliation.

25 (b) *Conciliation agreement made public.* [[Each conciliation agreement shall be  
26 made public unless the complainant and respondent otherwise agree and the  
27 Administrator determines the disclosure is not required to further the purposes  
28 of this subtitle.]] A CONCILIATION AGREEMENT SHALL BE MADE PUBLIC UNLESS  
29 THE STATE PUBLIC INFORMATION ACT OR OTHER STATE OR FEDERAL LAW  
30 PERMITS IT TO BE WITHHELD FROM DISCLOSURE.

1 (c) *Confidentiality.* Except in a proceeding to enforce a conciliation agreement,  
2 nothing said or done in the course of conciliation may be made public or used  
3 as evidence in a subsequent proceeding under this subtitle without the written  
4 consent of the persons concerned.

5 (d) *Breach of conciliation agreement.* If the Administrator or the Commission has  
6 [[probable]]REASONABLE cause to believe that a respondent has breached a  
7 conciliation agreement, the Administrator may institute litigation to enforce  
8 the conciliation agreement in the same manner as provided in this section for  
9 the enforcement of an order of the Commission.

10  
11 **Section 12.207B. Same- Complaint; determination; resolution; enforcement.**

12 [[The procedures and requirements provided in section 12.207A and 12.207B shall apply  
13 only to matters involving unlawful housing practices. However, any procedures and  
14 requirements provided in section 12.212 which are not included in sections 12.207A and  
15 12.207B shall also apply to matters involving unlawful housing practices.]]

16 I. *Complaint Process:*

17 (a) *Filing of complaint.* A person aggrieved by an alleged unlawful housing  
18 practice may file a complaint with the Office of Human Rights within one  
19 year of the practice having occurred or terminated. The complainant may  
20 reasonably and fairly amend the complaint at any time.

21 (b) *Form of complaint.* All complaints shall be filed in writing, under oath or  
22 affirmation, and shall be upon a form provided by the Office. The complaint  
23 shall state the name and address of the complainant and the respondent and other  
24 pertinent information as required by the Administrator.

25 (c) *Advising complainant of procedures.* Within ten days of the filing of a  
26 complaint, the Administrator shall:

- 27 (1) Acknowledge receipt of the complaint;  
28 (2) Advise the complainant of the time limits provided pursuant to this  
29 section and of the options provided by law.

1 (d) *Advising respondent(s) of procedures.* Within ten days of the filing of a  
2 complaint or within ten days of identifying additional respondent(s) to those  
3 named in the complaint, the Administrator shall:

4 (1) Advise the respondent(s) of the filing and furnish the respondent(s)  
5 with a copy of the complaint;

6 (2) Advise the respondent(s) of the procedural rights and obligations of  
7 respondents pursuant to this section.

8 (e) *Opportunity for respondent(s) to reply.* The respondent(s) may file a written  
9 answer under oath to the complaint within ten days of receiving a copy from  
10 the Office of Human Rights. The answer to the complaint may be reasonably  
11 and fairly amended at any time.

12 II. *Investigation.* The Human Rights Administrator shall begin an investigation within 30  
13 days of receiving the complaint. Within 100 days of the filing of the complaint, the  
14 Administrator shall make an investigation and shall determine, based on the facts, whether  
15 ~~[[probable]]~~ REASONABLE cause exists to believe that an unlawful housing practice has  
16 occurred ~~or is about to occur~~.

17 If a determination has not been made within 100 days, the Administrator shall write to the  
18 complainant and respondent(s) advising them of the delay and the reasons for the delay.

19 III. *Dismissal for Lack of ~~[[Probable]]~~ REASONABLE Cause:*

20 (a) *Notify complainant.* If the Administrator determines that no  
21 ~~[[probable]]~~ REASONABLE cause exists to believe that an unlawful housing  
22 practice has occurred ~~or is about to occur~~, the Administrator shall promptly  
23 dismiss the complaint. The Administrator shall notify the complainant by  
24 certified mail that the complaint has been dismissed and shall give the reasons  
25 for the dismissal and the process for the complainant to seek reconsideration  
26 of the Administrator's decision by the Human Rights Commission. The  
27 Administrator shall send a copy of the letter to the respondent(s).

28 (b) *Appealing to Human Rights Commission.* A complainant may appeal the  
29 Administrator's dismissal of the complaint for lack of ~~[[probable]]~~  
30 REASONABLE cause by appealing the dismissal to the Human Rights  
31 Commission within 20 days of receiving the letter from the Administrator.

1 (c) *Determination by Commission.* The Commission may hold an administrative  
2 hearing on the appeal and issue a decision and order pursuant to the provisions  
3 of section 12.212.IV of this subtitle.

4 IV. *Referral to Human Rights Commission:*

5 (a) *Notification to parties.* If the Administrator determines that [[probable]]  
6 REASONABLE cause exists to believe that an unlawful housing practice has  
7 occurred [[or is about to occur]], the Administrator shall so notify the  
8 complainant and the respondent(s) by certified mail and shall indicate that the  
9 matter shall be referred to the Human Rights Commission if no conciliation is  
10 reached within 30 days of the notification.

11 (b) *Referral to Commission.* If the Administrator determines that  
12 [[probable]]REASONABLE cause exists to believe that an unlawful housing  
13 practice has occurred [[or is about to occur]] and no conciliation has been  
14 reached within 30 days of notifying the parties, the Administrator shall notify  
15 the Commission of the finding and the lack of conciliation and shall certify  
16 the file and the findings and transmit the documents to the Human Rights  
17 Commission.

18 (c) *Referral to County Solicitor.* If the Administrator determines that the matter  
19 involves the legality of a State or local zoning or other land use law or  
20 ordinance, the Administrator shall immediately refer the matter to the County  
21 Solicitor for further action.

22 (d) *TIME LIMIT ON DISPOSITION.* The Administrator and the Chairperson of the  
23 Human Rights Commission, if the matter has reached the public hearing stage,  
24 shall make final administrative disposition of a complaint within one year of  
25 receiving the complaint, unless it is impracticable to do so, in which case they  
26 shall notify the complainant and respondent in writing of the reasons for not  
27 doing so.

28 V. *Charge by Human Rights Commission.* Upon receipt of notification from the  
29 Administrator that there is [[probable]]REASONABLE cause to believe that an unlawful  
30 housing practice has occurred [[or is about to occur]], the Commission shall issue a charge on  
31 behalf of the complainant for further proceedings pursuant to this section. The Commission

1 shall send a copy of the charge to the parties together with information regarding the time,  
2 date and place of a public hearing on the matter.

3 The charge may not be issued after the beginning of the trial of a civil action that is  
4 commenced by the complainant pursuant to State or Federal law seeking relief for the same  
5 unlawful housing practice. If a complainant initiates such an action, the Administrator and  
6 the Commission shall no longer be involved in the matter and shall send the results of its  
7 investigations to the U.S. Department of Housing and Urban Affairs.

8 VI. *Hearing; Consideration of Evidence.* Within 120 days of notification from the  
9 Administrator that there is ~~[[probable]]~~REASONABLE cause to believe that an unlawful  
10 housing practice has occurred ~~or is about to occur~~, the Human Rights Commission shall  
11 conduct a hearing in accordance with its rules of procedure and applicable law. If the  
12 Commission cannot begin the hearing within the 120-day period, ~~[[it]]~~THE COMMISSION shall  
13 notify the complainant and respondent(s).

14 The hearing shall be conducted as expeditiously and inexpensively as possible consistent  
15 with the needs and rights of the parties to obtain a fair hearing and complete record. The  
16 hearing shall be de novo. Each party may appear in person, be represented by counsel,  
17 present evidence, cross-examine witnesses and obtain the issuance of subpoenas.

18 VII. *Decision and Order.* Within 60 days of conclusion of the hearing, the Commission shall  
19 issue ~~[[its]]~~ findings of fact and conclusions of law on the matter. If the Commission finds  
20 that the respondent has not engaged in unlawful housing practices, the Commission shall  
21 issue a written decision and order~~[[, stating its]]~~INCLUDING findings of fact AND  
22 CONCLUSIONS OF LAW and ordering the dismissal of the complaint. The Commission shall  
23 serve each party with the decision and order and shall make public disclosure of the  
24 dismissal. If the Commission finds that the respondent has engaged in unlawful housing  
25 practices, the Commission shall issue a written decision and order INCLUDING ~~[[stating its]]~~  
26 findings OF FACT AND CONCLUSIONS OF LAW, ordering the respondent to cease and desist from  
27 the practice(s) and ordering appropriate action to carry out the purposes of this subtitle. The  
28 Commission shall serve each party with the decision and order.

29 VIII. *Appropriate Action.* Appropriate action may be monetary and/or nonmonetary. It may  
30 include actual damages suffered by the complainant and injunctive or other equitable relief.  
31 Appropriate action may include reasonable and customary attorney's fees.

1 An order issued pursuant to this subsection and subsection VII shall not affect any contract,  
2 sale, encumbrance, or lease consummated before the issuance of the order and involving a  
3 bona fide purchaser, [[encumbrancer]] ENCUMBRANCE, or tenant without actual notice of the  
4 charge filed under this subtitle.

5 IX. *Civil Penalties.* The decision and order may include the assessment of civil penalties to  
6 be paid by the respondent(s) to the general fund of the County. Pursuant to [[State  
7 law]] SECTION 20-1028 OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF  
8 MARYLAND, a civil penalty not exceeding:

- 9 (a) Ten thousand dollars may be assessed if the respondent has not been adjudged  
10 to have committed any prior unlawful housing practice;
- 11 (b) Twenty-five thousand dollars may be assessed if the respondent has been  
12 adjudged to have committed one other unlawful housing practice during the  
13 five-year period prior to the filing of this complaint; and
- 14 (c) Fifty thousand dollars may be assessed if the respondent has been adjudged to  
15 have committed two or more unlawful housing practices during the seven-year  
16 period prior to the filing of this complaint.

17 If the unlawful housing practice was committed by the same individual who has been  
18 previously adjudged to have committed unlawful housing practice(s), then the civil penalties  
19 set forth in paragraphs (b) and (c) of this subsection may be imposed without regard to the  
20 period of time within which any subsequent unlawful housing practice occurred.

21 X. *Regulatory Referral.* If the order concerned an unlawful housing practice that occurred in  
22 the course of a business subject to licensing or regulation by a State or County agency, the  
23 Commission shall, within 30 days of the issuance of the decision and order:

- 24 (a) Send copies of the decision and order to the State or County agency; and
- 25 (b) Recommend to the State or County, agency appropriate disciplinary action,  
26 including, where appropriate:
  - 27 (1) The suspension or revocation of the license of the respondent; or
  - 28 (2) The suspension or debarment of the respondent from participation in  
29 State and local loan, grant or other regulated programs.

30 XI. *Appeal to Circuit Court Review or Enforcement:*

1 (a) *Right to appeal.* Within 30 days of its issuance, any party aggrieved by the  
2 decision and order may appeal to the Circuit Court of Howard County for  
3 judicial review of the decision and order. If such an appeal is taken, the  
4 [[Commission]] COUNTY is a party to the appeal.

5  
6 If no appeal for review has been filed with the Howard County Circuit Court  
7 within 30 days, the findings of fact and conclusions of law of the  
8 Commission's final order shall be conclusive.

9 (b) *Petition [[by Commission]]:* The [[Commission]] COUNTY may file a written  
10 petition with the Howard County Circuit Court for the enforcement of the  
11 Commission's order and for appropriate temporary relief or restraining order.  
12 The Clerk of the County shall send a copy of the petition to the parties in the  
13 appeal.

14 In an enforcement proceeding brought under this paragraph[[:

15 (1) Any]] ANY party to the proceedings before the Commission may  
16 intervene in the Circuit Court[[]; and

17 (2) Unless the failure or neglect to urge the objections was excused  
18 because of extraordinary circumstances, an objection not made before  
19 the Commission during the hearing may not be considered by the  
20 court]].

21 (c) *Person entitled to relief.* If, within 30 days of issuance of the decision and  
22 order, no appeal has been made to the Howard County Circuit Court for  
23 [[judicial review nor]]JUDICIAL REVIEW AND NO [[a]] petition HAS BEEN filed  
24 by the Commission for enforcement of the order, any person entitled to relief  
25 under the order may petition the Howard County Circuit Court for a decree  
26 enforcing the order.

27  
28 **Section 12.207C. Civil action by Commission on its own initiative.**

29 I. *Authority for Human Rights Commission to Commence a Civil Action.* Whenever the  
30 Human Rights Commission has[[probable]] REASONABLE cause to believe that a person or  
31 group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any



1 of the housing rights granted by this subtitle, or that any group of persons has been denied  
2 any of the housing rights granted by this subtitle and that the denial or resistance raises an  
3 issue of general public importance, the Commission may commence a civil action in the  
4 Howard County Circuit Court.

5 II. *Court Award.* In a civil action pursuant to this subsection, the court:

- 6 (a) May award preventive relief, including a permanent or temporary injunction,  
7 restraining order, or other order against the person responsible for a violation  
8 of this subtitle as is necessary to assure the full enjoyment of the housing  
9 rights granted by this subtitle;
- 10 (b) May award other relief as the court deems appropriate, including monetary  
11 damages to persons aggrieved; and
- 12 (c) Pursuant to [[State law]]SECTION 20-1036 OF THE STATE GOVERNMENT  
13 ARTICLE OF THE ANNOTATED CODE OF MARYLAND, may, to vindicate the  
14 public interest, assess a [[civic]]CIVIL penalty against the respondent:
- 15 (1) In an amount not exceeding \$50,000.00 for a first violation; and  
16 (2) In an amount not exceeding \$100,000.00 for any subsequent violation.  
17 The court, in its discretion, may allow the prevailing party, including the  
18 [[Commission]] OFFICE COUNTY, reasonable attorney's fees and costs.

19 III. *Intervention in the Civil Action Commenced by the Commission.* Upon timely  
20 application, a person may intervene in a civil action commenced by the Commission under  
21 this section if the action involves:

- 22 (a) An alleged unlawful housing practice to which the person is an aggrieved  
23 person; or  
24 (b) A conciliation agreement to which the person is party.

25 The court may grant appropriate relief to any intervening party as is authorized to be  
26 granted to a plaintiff in a civil action commenced pursuant to [[section 33 of article  
27 49B]] SECTION 20-1013 OF THE STATE GOVERNMENT ARTICLE of the Annotated Code  
28 of Maryland.

29  
30 **Section 12.208. Unlawful employment practices.**

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

3  
4 (b) *Because of sex* includes because of or on the basis of pregnancy, childbirth, or  
5 related medical conditions. Women affected BECAUSE OF [[by]] pregnancy,  
6 childbirth, or related medical conditions shall be treated the same for all  
7 employment related purposes, including receipt of benefits under fringe  
8 benefit programs, as other persons not so affected, but similar in their ability  
9 or inability to perform work.

10 III. *Exemptions.*

11 (e) *Howard County employees.* [[Neither the Office of Human Rights nor the  
12 Human Rights Commission may]] THE OFFICE OF HUMAN RIGHTS OR THE  
13 HUMAN RIGHTS COMMISSION MAY NOT take action with respect to any  
14 allegation of discrimination against the Howard County Government until the  
15 aggrieved individual has exhausted all of[[his/her]] THE INDIVIDUAL’S  
16 administrative remedies pursuant to [[article]]ARTICLE VII of the Howard  
17 County Charter and any laws or regulations enacted pursuant to  
18 [[article]]ARTICLE VII. Provided that all other requirements of section 12.212  
19 have been met, [[the time constraints of section III (a)(2), (b)(3), and (d) shall  
20 not apply until the administrative remedies have been exhausted.]] ANY TIME  
21 REQUIREMENTS CONTAINED IN SUBSECTION III (A)(2), (B)(3), AND (D) OF THIS  
22 SECTION SHALL BE STAYED PENDING THE OUTCOME OF THE ADMINISTRATIVE  
23 ACTION REQUIRED BY ARTICLE VII OF THE HOWARD COUNTY CHARTER.

24  
25 **Section 12.209. Unlawful law enforcement practices.**

26 IV. *Investigation by Law Enforcement Agency.* Upon request of the Office of Human Rights  
27 and when permitted by law, the law enforcement agency shall commence an investigation  
28 pursuant to the provisions of [[article 27, sections 727—734]] SUBTITLE 1 OF TITLE 3 OF THE  
29 PUBLIC SAFETY ARTICLE of the Annotated Code of Maryland, and any other pertinent  
30 provisions of law, and upon its completion provide a report of the investigation to the Office  
31 of Human Rights.

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**Section 12.212. Unfair employment practices, unfair public accommodation practices, unfair law enforcement practices, unfair financing practices—Complaint, investigation, conciliation, decision and order, administrative hearing, subpoena power and enforcement.**

*I. Complaint:*

- (a) *Right to file.* Any person claiming to be aggrieved by an alleged unlawful act in violation of this subtitle may file a complaint within six months after the alleged violation has occurred or has been discovered by the complainant.
- (b) *Form of complaint.* All complaints shall be filed in writing, under oath, and shall be upon a form provided by the Office.
- (c) *Where to file.* Complaints shall be filed with the Office of Human Rights.
- (d) *Content of complaint.* The complaint shall state the name and address of the complainant and the respondent and other pertinent information as required by the Administrator.
- (e) *Amendment of complaint.* The complainant may reasonably amend the complaint at any time after it is filed.
- (f) *Withdrawal of complaint.* The complainant may withdraw the complaint at any time BY FILING WRITTEN NOTICE WITH THE OFFICE.

*II. Settlement [[before Issuance of Any Finding]].* The [[complaint may be settled at any time before a finding of reasonable cause/no reasonable cause is issued]]PARTIES MAY SETTLE THE COMPLAINT AT ANY TIME.

*III. Investigation, Determination and Conciliation:*

- (a) *Consideration of complaint:*
  - (1) The Administrator shall consider all complaints filed.
  - (2) Within 15 days of the filing of a complaint, the Administrator shall determine through analysis of law and preliminary investigation if the facts alleged are sufficient to establish that a violation of this subtitle may have occurred. The Administrator may contact the respondent in this determination.

1 (b) *Dismissal of complaint:*

- 2 (1) If the Administrator determines that the facts alleged are insufficient to  
3 establish that a violation of this subtitle may have occurred, the  
4 Administrator shall dismiss the complaint.
- 5 (2) If the complaint is dismissed, the Administrator shall send a dismissal  
6 letter by certified mail to the complainant stating the fact of dismissal,  
7 the reasons for dismissal and the process for the complainant to seek  
8 reconsideration of the Administrator's decision by the Human Rights  
9 Commission. The Administrator shall send a copy of the dismissal  
10 letter by certified mail to the respondent.
- 11 (3) If the complainant seeks reconsideration of the Administrator's  
12 dismissal of the complaint, the complainant must send a letter to the  
13 Chairperson of the Human Rights Commission within 15 days of  
14 receipt of the dismissal letter stating the reasons the complainant  
15 disagrees with the dismissal of the complaint.
- 16 (4) WITHIN 15 DAYS OF THE RECONSIDERATION REQUEST, THE [[The]]  
17 Chairperson of the Commission shall schedule a meeting with the  
18 complainant. THE COMMISSION SHALL SEND WRITTEN NOTIFICATION OF  
19 THE DATE, PLACE, AND TIME OF THE MEETING TO THE COMPLAINANT BY  
20 CERTIFIED MAIL. At least two other Commissioners shall be present at  
21 the meeting in addition to the Administrator and the Commission's  
22 legal advisor.
- 23 a. If the Chairperson and the Commissioners determine that the  
24 complaint should be investigated, the Chairperson shall so state  
25 in a letter to the Administrator with a copy to the complainant.  
26 The Administrator shall proceed with an investigation of the  
27 complaint.
- 28 b. If the Chairperson and the Commissioners determine that the  
29 complaint should be dismissed, the Chairperson shall so state  
30 in a letter sent by certified mail to the complainant with a copy  
31 to the Administrator.

1 (5) If the Commission dismisses the complaint, and the complainant  
2 wishes to pursue the matter, the complainant may bring a suit seeking  
3 a declaratory judgment in the Circuit Court for Howard County.

4 (c) *Authorization of complaint for investigation.* If the Administrator determines  
5 that the facts alleged are sufficient to establish that a violation of this subtitle  
6 may have occurred, the Administrator shall authorize the complaint for  
7 investigation.

8 (d) *Determination after investigation.* Within 180 days of the authorization of a  
9 complaint for investigation, the Administrator shall issue written findings of  
10 the results of the investigation which shall state whether or not there is  
11 reasonable cause to believe that a violation of this subtitle may have occurred.  
12 Due to exigent circumstances, the time period may be extended for an  
13 additional 180 days at the discretion of the Administrator. The findings shall:

- 14 (1) Summarize the factual background of the case.
- 15 (2) Contain the basis for the finding of reasonable cause or no reasonable  
16 cause.
- 17 (3) Outline the next appropriate steps as provided in subsections  
18 12.212III(e) and (f) of this subtitle.
- 19 (4) Be sent by certified mail to all parties.

20 (e) *Findings of reasonable cause and conciliation:*

- 21 (1) Within 30 days of a finding of reasonable cause to believe that a  
22 violation of this subtitle may have occurred, the Administrator shall  
23 attempt to rectify the violation by conference, conciliation and  
24 persuasion.
- 25 (2) Any conciliation agreement for elimination of the violation shall be  
26 reduced to a legally enforceable written instrument signed by the  
27 complainant, respondent and the Administrator or their authorized  
28 representatives.
- 29 (3) If no conciliation agreement is reached, the Administrator shall notify  
30 all parties by certified mail of the failure to conciliate and shall refer

1 the matter to the Commission for a public administrative hearing under  
2 the provisions of subsection IV. below.

3 (f) *Findings of no reasonable cause.* With the finding of no reasonable cause to  
4 believe that a violation of this subtitle may have occurred, the Administrator  
5 will issue a decision and order:

6 (1) Advising the parties of their right, within 20 days of the finding, to  
7 request an administrative appeal hearing before the Commission;

8 (2) Detailing the method for requesting the hearing; and

9 (3) Requiring any prospective appellant to list the reasons for appeal.

10 IV. *Administrative Hearings:*

11 (a) *Failure to conciliate.* The Human Rights Commission shall hold an  
12 administrative hearing in case of failure to reach an agreement for the  
13 rectification of violations under subsection 12.212III(e) above.

14 (b) *After issuance of finding of no reasonable cause.* The Commission may hold  
15 an administrative hearing upon the request of any party if the Administrator  
16 has issued a finding of no reasonable cause.

17  
18 (c) *Certification of file, transmittal of documents.* The Administrator shall certify  
19 the entire file and his/her finding and transmit the documents to the  
20 Commission.

21 (d) *Distribution of complaint.* The Chairperson of the Commission shall send all  
22 parties a copy of the complaint requiring the respondent to answer the charges  
23 at a public hearing.

24 (e) *Notice.* The Chairperson shall issue and serve on all parties a notice, BY  
25 CERTIFIED MAIL, giving the time and place of the public hearing before the  
26 Commission.

27 (f) *Rules and procedure.* The Commission shall conduct the hearing in  
28 accordance with its rules of procedure and applicable law. All hearings are *de*  
29 *novo*.

- 1 (g) *Oaths, subpoenas.* In the administration and enforcement of its duties, the  
2 Commission may administer oaths and issue subpoenas using the same  
3 standards and procedures as in subsection VI. of this section.
- 4 (h) *Consideration of evidence; purpose.* The Commission shall consider all  
5 evidence to determine whether the respondent has engaged in act(s) which  
6 violate the provisions of this subtitle.
- 7 (i) *Dismissal—Decision and order.* If the Commission finds that the respondent  
8 has not engaged in acts which violate the provisions of this subtitle, it shall  
9 issue a written decision and order, stating its findings of fact and ordering the  
10 dismissal of the complaint. The Commission shall serve each party with the  
11 decision and order.
- 12 (j) *Violations; decision and order; appropriate action.* If the Commission finds  
13 that the respondent has engaged in acts which violate the provisions of this  
14 subtitle, it shall issue a written decision and order stating its findings, ordering  
15 the respondent to cease and desist from the act(s) and ordering appropriate  
16 action to carry out the purposes of this subtitle shall serve each party with the  
17 decision and order.
- 18 (1) *Affirmative action.* The affirmative action ordered by the Commission  
19 may include, but is not limited to:
- 20 (i) Reinstatement or hiring of employees.
- 21 (ii) Back pay (payable by the employer, employment agency or  
22 labor organization responsible for the unlawful employment  
23 practice). The claimant's interim earnings (or amounts earnable  
24 with reasonable diligence) shall operate to reduce monetary  
25 relief otherwise allowable.
- 26 (iii) Reasonable and customary attorney's fees.
- 27 (iv) Nonmonetary relief.
- 28 (v) Any other equitable relief that is deemed appropriate.

29 V. *Appeal:*

- 1 (a) *Right to appeal.* Within 30 days of the Commission's issuance of a decision  
2 and order, any party to the proceeding may appeal the decision and order to  
3 the Circuit Court of Howard County.
- 4 (b) *Procedure.* Appeals shall be in accordance with the Maryland Rules of  
5 Procedure providing for appeals from administrative agencies.
- 6 (c) *Legal representation.* The Commission shall be a party to all appeals and shall  
7 be represented at any such hearing by the County Office of Law.

8 VI. *Oaths and Subpoena Powers:*

- 9 (a) *Administrator.* In the administration and enforcement of any of the provisions  
10 of this subtitle, the Administrator may administer oaths and issue subpoenas to  
11 compel:
- 12 (i) The attendance and testimony of witnesses, and  
13 (ii) The production of records and documents relevant and necessary for  
14 proceedings under this subtitle.
- 15 (b) *Service of subpoena.* Any subpoena shall be forwarded for service to the  
16 sheriff or deputy sheriff of the political subdivision in which is located the  
17 residence of the person or the main office of the firm, association, partnership  
18 or corporation to whom the subpoena is issued.
- 19 (c) *Enforcement of subpoena.* In case of disobedience to the subpoena, the  
20 Administrator, represented by the Office of Law, shall apply to a court of  
21 competent jurisdiction for an [[a]] order to enforce the subpoena.

22 VII. *Injunctive Relief:*

- 23 (a) *Civil action.* If, after the filing of a complaint, the Administrator reasonably  
24 believes that civil action to preserve the status quo or to prevent irreparable  
25 harm is advisable, the Administrator may bring any action necessary to  
26 preserve the status quo or to prevent the irreparable harm.
- 27 (b) *Legal representation.* The Administrator shall be represented by the Office of  
28 Law.
- 29 (c) *Circuit Court for Howard County.* Any action, including but not limited to an  
30 action to obtain temporary injunctive relief, shall be brought in the Circuit  
31 Court for Howard County.



1 VIII. *Enforcement.* If any respondent refuses to comply with [[the]]A decision and order of  
2 the Commission, the Commission may bring an action in the Circuit Court for Howard  
3 County to enforce compliance with the decision and order.  
4

5 **Section 12.214. Confidential character of information related to investigation.**

6 I. *Confidentiality DURING INVESTIGATIONS [[until Administrative Hearing]]:*

7 (a) *No publicity.* [[During]] TO THE EXTENT PERMITTED BY THE STATE PUBLIC  
8 INFORMATION ACT, DURING the investigation of any complaint alleging a  
9 violation of sections 12.207 to 12.211 of this subtitle and until matters related  
10 to the complaint reach the administrative hearing stage, the [[activities]]  
11 RECORDS of the Office and of the Commission [[shall be conducted without  
12 publicity]] RELATED TO THE INVESTIGATION ARE CONFIDENTIAL.

13 (b) *Exemptions.* The Administrator and members of the Commission shall hold  
14 confidential any information that would tend to disclose the identity of the  
15 complainant and respondent, except that:

- 16 (1) Information may be released at any time if the complainant and the  
17 respondent agree in writing to release the information; [[or]]
- 18 (2) The identity of the complainant shall be disclosed, upon request, to the  
19 respondent; [[or]]
- 20 (3) The identity of the complainant and respondent may be made public  
21 after the parties have been notified that a hearing on their case has  
22 been scheduled; or
- 23 (4) The [[office]] OFFICE may cooperate with Federal and State agencies  
24 and shall make available to such agencies its files and investigative  
25 data, if [[the Office is satisfied that the agencies will preserve the  
26 confidentiality of the data provided and have a need to know the  
27 information]] PERMITTED OR REQUIRED TO DO SO BY STATE OR  
28 FEDERAL LAW OR COURT ORDER.

29 II. *Violations; Penalty:*

30 (a) *Fine, imprisonment; civil penalty.* Any Commissioner or staff member in the  
31 Office who is convicted of violating provisions of this section shall be guilty

1 of a misdemeanor and, upon conviction, shall be fined up to \$1,000.00 and/or  
2 imprisoned for up to 6 months. Alternatively or in addition to and concurrent  
3 with all other remedies, the County Solicitor may enforce the provisions of  
4 this section using civil penalties pursuant to the provisions of title 24, "Civil  
5 Penalties," of the Howard County Code. A violation of this section shall be a  
6 Class A offense.

7 (b) *Removal from office.* Any Commissioner who violates the provisions of this  
8 section shall be removed from office IN ACCORDANCE WITH SECTION 903 OF  
9 THE HOWARD COUNTY CHARTER.

10 (c) *Discharge of employee.* Any staff member who violates the provisions of this  
11 section shall be discharged IN ACCORDANCE WITH THE HOWARD COUNTY  
12 CODE AND THE HOWARD COUNTY EMPLOYEE MANUAL.  
13

14 **~~Section 12.215. Criminal penalties for falsification of documents, etc.~~**

15 ~~I. A PERSON IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, IS SUBJECT TO A FINE NOT~~  
16 ~~EXCEEDING \$1,000.00 OR IMPRISONMENT NOT EXCEEDING SIX MONTHS, OR BOTH, FOR ANY OF~~  
17 ~~THE FOLLOWING VIOLATIONS:~~

18 ~~(A) FALSIFICATION OF ANY DOCUMENT, RECORD, OR REPORT THAT HAS BEEN~~  
19 ~~SUBPOENAED PURSUANT TO THIS SUBTITLE;~~

20 ~~(B) WILLFULLY PROVIDING FALSE TESTIMONY OR INFORMATION BEFORE THE~~  
21 ~~HEARING EXAMINER, COMMISSION, OR THE ADMINISTRATOR; OR~~

22 ~~(C) INTIMIDATION OF ANY WITNESS, COMPLAINANT OR RESPONDENT IN ANY~~  
23 ~~PROCEEDING BEFORE THE HEARING EXAMINER, COMMISSION, OR THE~~  
24 ~~ADMINISTRATOR.~~

25 ~~II. EACH DAY A VIOLATION OCCURS OR CONTINUES IS A SEPARATE OFFENSE. COSTS MAY BE~~  
26 ~~IMPOSED AT THE DISCRETION OF THE COURT.~~

27 ~~[[A person who:~~

28 ~~I. Falsifies any documents, records or reports that have been subpoenaed pursuant to this~~  
29 ~~subtitle; or~~

30 ~~H. Willfully gives false testimony before the Commission or the Administrator; or~~

1 III. ~~Intimidates any witness, complainant or respondent in any proceeding before the~~  
2 ~~Commission; shall, upon conviction, be guilty of a misdemeanor and shall be subject to a~~  
3 ~~fine of up to \$1,000.00 and/or imprisonment for up to six months. ]]~~

4  
5 **Section 12.217. Nonexclusive remedy.**

6 III. ~~[[Action at Law Plus Remedies of This Subtitle. The action in the Circuit Court for~~  
7 ~~Howard County shall be in addition to pursuing the procedures and seeking the remedies set~~  
8 ~~forth in this subtitle. ]]~~ *TERMINATION OF ADMINISTRATIVE PROCESS. IF THE AGGRIEVED PERSON*  
9 *BRINGS AN ACTION BEFORE THE CIRCUIT COURT OF HOWARD COUNTY, IN A MATTER WHICH IS*  
10 *PENDING BEFORE OFFICE OR THE COMMISSION, THE OFFICE OR COMMISSION SHALL CLOSE THE*  
11 *CASE AND CEASE ALL PROCEEDINGS ON THE MATTER.*

12  
13 ~~**Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland,~~  
14 ~~that, in accordance with Section 12.202.IX.(o) of the Howard County Code, the Human~~  
15 ~~Rights Commission shall work with the Office of Human Rights and the Executive Secretary~~  
16 ~~of the Commission in order to prepare and submit a Report to the County Executive that~~  
17 ~~shall:~~

- 18 ~~1. Include data on the number of cases docketed by the Commission in the last 5~~  
19 ~~years, the length of time taken to resolve each case, and the reason for the~~  
20 ~~length of time from the date the complaint is docketed with the Human Rights~~  
21 ~~Commission to issuance of a Decision and Order or closure of the case;~~
- 22 ~~2. Include a needs assessment concerning the Commission's education and~~  
23 ~~outreach initiatives as authorized by Section 12.202IX(f) of the Code;~~
- 24 ~~3. Make a recommendation as to time limits from the docketing of a complaint~~  
25 ~~with the Commission to the administrative disposition of a case, which shall~~  
26 ~~not exceed 120 days;~~
- 27 ~~4. Recommend methods to ensure timely and efficient investigations and~~  
28 ~~resolutions of cases which should include the use of a Hearing Examiner~~  
29 ~~system as follows:~~
  - 30 ~~a. The plan should include at least two alternatives;~~

1 ~~b. At least one alternative should propose the use of a Hearing Examiner~~  
2 ~~to hear cases where the Office finds that reasonable cause exists for a~~  
3 ~~complaint; and~~  
4 ~~e. The plan shall describe the perceived advantages and disadvantages~~  
5 ~~of each alternative;~~  
6 ~~5. Include specific goals to implement the Commission's duties with specific~~  
7 ~~attention to recommendations related to education and outreach~~  
8 ~~responsibilities;~~  
9 ~~6. Include other proposed legislative changes; and~~  
10 ~~7. Be submitted to the County Executive on or before September 1, 2015.~~  
11  
12 **Section 32. And Be It Further Enacted** by the County Council of Howard County,  
13 Maryland, that the Office of Law is directed, in consultation with the Legislative Coordinator  
14 in the Department of County Administration and the publisher of the Howard County Code,  
15 to recodify all sections of Title 12, Subtitle 2 of the Code in a manner generally consistent  
16 with the current codification style of the Code, and the resulting recodification shall remain  
17 in effect until amended or repealed by legislative act of the County Council.  
18  
19 **Section 43. And Be It Further Enacted** by the County Council of Howard County,  
20 Maryland, that this Act shall become effective 61 days after its enactment.  
21

Amendment 1 to Council Bill No. 4-2015

BY: The Chairperson at the  
request of the County Executive

Legislative Day No. 3  
Date: March 2, 2015

Amendment No. 1

*(This amendment makes technical corrections and removes the following from the Bill as  
prefiled:*

1. *Proposed changes to the duties and responsibilities of the Human Rights  
Commission;*
2. *Proposed changes to the designation of the Executive Secretary of the Human  
Rights Commission;*
3. *Proposed revisions to certain penalty sections; and*
4. *Certain reporting requirements.)*

1 Strike the title and substitute:

2 “AN ACT, amending certain definitions; amending the number of times per year the  
3 Commission is required to meet; making certain corrections to conform to the State’s Open  
4 Meetings Act; correcting cross references; clarifying certain language; clarifying certain  
5 standards of review to ensure consistency; clarifying that only ripe cases may proceed; clarifying  
6 certain actions taken by County Employees; clarifying certain notice and nonexclusive remedy  
7 provisions;; authorizing certain corrections to outlining style; making certain technical  
8 corrections; and generally relating to Human Rights in Howard County.”.

9

10 On page 1, in line 6, strike “IV,” and before “IX” insert “paragraphs (n) and (p), both of  
11 Subsection”.

12

13 On page 1, strike lines 7 and 8, in their entirety.

14

ACCEPTED 4/6/15

FAILED \_\_\_\_\_

SIGNATURE Jessica J. [Signature]

- 1 On page 1, in line 9, strike “4” and substitute “3”.
- 2
- 3 On page 1, in line 11, strike “5” and substitute “4”.
- 4
- 5 On page 1, in line 13, strike “6” and substitute “5”.
- 6
- 7 On page 1, in line 16, strike “7” and substitute “6”.
- 8
- 9 On page 1, in line 18, strike “8” and substitute “7”.
- 10
- 11 On page 1, in line 19, strike “9” and substitute “8”.
- 12
- 13 On page 1, in line 21, strike “10” and substitute “9”.
- 14
- 15 On page 1, in line 22, strike “11” and substitute “10”.
- 16
- 17 On page 1, in line 26, strike “12” and substitute “11”.
- 18
- 19 On page 1, in line 27, after the semicolon insert “and”.
- 20
- 21 On page 1, strike line 28.
- 22
- 23 On page 1, in line 29, strike “14” and substitute “12”.
- 24
- 25 On page 2, strike lines 26 through 30, inclusive and in their entirety.
- 26
- 27 On page 3, strike lines 8 through 30, inclusive and in their entirety.
- 28
- 29 On page 4, strike lines 1 through 31, inclusive and in their entirety.

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On page 5, strike lines 1 through 10, inclusive and in their entirety.

On page 5, strike lines 16 through 18, inclusive and in their entirety.

On page 5, in line 19, after “SUBTITLE,” insert “AS DEFINED IN THE STATE OPEN MEETINGS ACT.”.

On page 5, strike lines 23 through 31, inclusive and in their entirety.

On page 6, strike lines 1 through 30, inclusive and in their entirety.

On page 7, strike lines 1 through 2, inclusive and in their entirety.

On page 16, in line 16, strike “OFFICE” and substitute “COUNTY”.

On page 25, strike lines 14 through 30, inclusive and in their entirety.

On page 26, strike lines 1 through 3, inclusive and in their entirety.

On page 26, strike lines 13 through 30, inclusive and in their entirety.

On page 27, strike lines 1 through 10, inclusive and in their entirety.

On page 27, in line 12, strike “3” and substitute “2”.

On page 27, in line 19, strike “4” and substitute “3”.

Amendment 2 to Council Bill No. 4-2015

BY: The Chairperson at the  
request of the County Executive

Legislative Day No. 3  
Date: March 2, 2015

Amendment No. 2

*(This amendment amends a definition.)*

- 1
- 2 On page 2, in line 21, before "IDENTIFICATION" insert "ACTUAL OR PERCEIVED".
- 3
- 4 On page 2, in line 22, strike "MALE OR FEMALE".

ADOPTED 4/6/15  
FAILED \_\_\_\_\_  
SIGNATURE *James J. [unclear]*



2021年  
2022年  
2023年

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2015 Legislative Session

Bill No. 4-2015

Legislative Day No. 2

Introduced by the Chairperson at the request of the County Executive

AN ACT, reorganizing the Executive Branch of County Government pursuant to Section 403 of the Howard County Charter; amending certain definitions; providing that the County Executive shall designate the Executive Secretary of the Human Rights Commission; amending the number of times per year the Commission is required to meet; requiring that the Commission perform certain outreach and education activities; making certain corrections to conform to the State's Open Meetings Act; removing the requirement that the Human Rights Administrator serve as the Executive Secretary to the Human Rights Commission; correcting cross references; clarifying certain language; clarifying certain standards of review to ensure consistency; clarifying that only ripe cases may proceed; clarifying certain actions taken by County Employees; clarifying certain notice and nonexclusive remedy provisions; requiring certain reports; authorizing certain corrections to outlining style; making certain technical corrections; and generally relating to the Executive Branch of County Government.

Introduced and read first time \_\_\_\_\_, 2015. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2015.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2015 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved by the County Executive \_\_\_\_\_, 2015

\_\_\_\_\_  
Allan H. Kittleman, 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 as follows:**

3 **By amending:**

4 *Title 12 – Health and Social Services*

- 5 1. *Subsections X, XI, XVII, and XVIII of Section 12.201 “Definitions”;*
- 6 2. *Subsections IV, VI, and IX of Section 12.202 “Human Rights Commission”;*
- 7 3. *Section 12.206 “Functions, powers and duties of the Office of the*  
8 *Administrator”;*
- 9 4. *Paragraph (e) of Subsection I of Section 12.207 “Unlawful Housing*  
10 *Practices”;*
- 11 5. *Paragraph (g) Subsection II of Section 12.207 “Unlawful Housing*  
12 *Practices”;*
- 13 6. *Introductory language and Subsections I and II, all of Section 12.207A*  
14 *“Unlawful housing practices- Subpoenas; evidence; conciliation; civil*  
15 *action”;*
- 16 7. *Section 12.207B “Same- Complaint; determination; resolution;*  
17 *enforcement”;*
- 18 8. *Section 12.207C “Civil action by Commission on its own initiative”;*
- 19 9. *Paragraph (b) of Subsection I and Paragraphs (e) of Subsection III, all of*  
20 *Section 12.208 “Unlawful employment practices”;*
- 21 10. *Subsection IV of Section 12.209 “Unlawful employment practices”;*
- 22 11. *Section 12.212 “Unfair employment practices, unfair public accommodation*  
23 *practices, unfair law enforcement practices, unfair financing practices—*  
24 *Complaint, investigation, conciliation, decision and order, administrative*  
25 *hearing, subpoena power and enforcement”;*
- 26 12. *Section 12.214 “Confidential character of information related to*  
27 *investigation”;*
- 28 13. *Section 12.215 “Criminal penalties for falsification of documents, etc.”; and*
- 29 14. *Subsection III of Section 12.217 “Nonexclusive Remedy”.*

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

2 **Subtitle 2. Human Rights.**

3  
4 **Section 12.201. Definitions.**

5 Words and phrases used in this subtitle shall have their usual meaning except as defined  
6 below:

7 X. *Disability* means with respect to an individual:

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

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

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

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

21 XVIII. *Sexual orientation* means the [[preference or practice]] IDENTIFICATION of an  
22 individual as to MALE OR FEMALE homosexuality, heterosexuality or bisexuality. [[This  
23 section is not intended to permit a sexual practice prohibited by law.]]  
24

25 **Section 12.202. Human Rights Commission.**

26 IV. *Executive Secretary*. The [[Human Rights Administrator or the Administrator's  
27 designee]] COUNTY EXECUTIVE SHALL DESIGNATE [[shall serve as]] the Executive Secretary  
28 of the [[Commission and]] COMMISSION. THE EXECUTIVE SECRETARY shall attend all  
29 meetings and hearings of the Commission and, in addition to the duties specified in this  
30 subtitle, shall perform duties as prescribed by the Commission.

1 VI. *Monthly and Additional Meetings*. The Commission shall meet at least [[once each  
2 month]] 11 TIMES PER YEAR and shall conduct each meeting pursuant to its rules of procedure.  
3 It may hold additional meetings and hearings provided the Chairperson of the Commission  
4 gives the Commission members and the [[human rights]] HUMAN RIGHTS Administrator at  
5 least three days' written notice.

6 IX. *Duties and Responsibilities*. The Human Rights Commission shall carry out all duties  
7 and responsibilities assigned to it by law.

8 (a) *Civil rights policy*. The Commission shall be responsible for recommending a  
9 civil rights policy to the County Executive and the County Council  
10 concurrently.

11 (b) *Studies and surveys*. The Commission shall have the authority to make  
12 surveys and studies concerning human rights, conditions, and problems. It  
13 may publish reports, make recommendations and, in every way possible,  
14 promote human rights in Howard County.

15 (c) *Filing of complaint—Discriminatory practices and patterns of conduct*. The  
16 Commission or individual Commissioner(s) shall have the authority to file a  
17 complaint when the Commission or Commissioner(s) have reasonable cause  
18 to believe the existence of a pattern or practice of discrimination unlawful  
19 under the provisions of this subtitle. Complaints filed under this subsection  
20 shall be processed in the same manner as complaints filed under section  
21 12.207A or 12.212 of this subtitle. If the Commission files a complaint under  
22 the provisions of this section any administrative hearing on the complaint  
23 shall be heard by the Howard County Board of Appeals.

24 (d) *Hearings—Patterns of discrimination*. The Commission shall have the  
25 authority to hold an immediate hearing regarding patterns of discrimination  
26 which are not the subject matter of a complaint filed pursuant to section  
27 12.207A or 12.212 of this subtitle. The purpose of the hearing is to resolve the  
28 problem promptly by gathering facts and making recommendations to  
29 appropriate persons. The recommendations of the Commission, in these  
30 instances, do not constitute any binding order upon any person.

- 1 (e) *Administrative hearings.* The Commission shall hold administrative hearings  
2 pursuant to section 12.207A or 12.212 of this subtitle.
- 3 (f) *Informing the citizens.* The Commission shall [[have the authority to]] inform  
4 the citizens of Howard County of practices and patterns of conduct which may  
5 be discriminatory, AND SHALL CONDUCT A PUBLIC INFORMATION, OUTREACH,  
6 AND EDUCATION PROGRAM IN ORDER TO HEIGHTEN PUBLIC AWARENESS OF  
7 DISCRIMINATION AND METHODS FOR ELIMINATING DISCRIMINATION. THE  
8 COMMISSION SHALL ALSO EDUCATE THE PUBLIC ABOUT THE COMPLAINT  
9 PROCESS.
- 10 (g) *Decisions and orders.* The Commission may issue decisions and orders  
11 pursuant to section 12.207B or 12.212IV of this subtitle.
- 12 (h) *Affirmative action.* The Commission may order affirmative action pursuant to  
13 section 12.207B or 12.212IV of this subtitle.
- 14 (i) *Action in circuit court.* The Commission may bring an action in circuit court  
15 to enforce compliance with a decision and order issued pursuant to section  
16 12.207B or 12.212 of this subtitle.
- 17 (j) *Appointment of Human Rights Administrator.* The Commission [[shall]] MAY  
18 assist the Chief Administrative Officer and the County Executive on the  
19 appointment of the Human Rights Administrator.
- 20 (k) *Budget.* The Commission shall submit to the County Executive a timely  
21 budget request for expenses necessary to carry out the provisions of this  
22 subtitle. It shall review the budget of the Office of Human Rights before that  
23 budget is submitted to the County Executive. The Commission may comment  
24 on its own budget and that of the Office of Human Rights at any time in the  
25 budget process.
- 26 (l) *Review monthly reports.* The Commission shall review the monthly reports  
27 prepared by the Human Rights Administrator pursuant to section 12.206 of  
28 this subtitle.
- 29 (m) *Annual and other reports.* In addition to the annual report, the County  
30 Executive or the County Council may require the Commission to make  
31 interim reports. The interim reports shall not contain the identities of parties to

1 cases which have been reconciled or are pending. On or before February 28 of  
2 each year the Commission shall make an annual report to the County  
3 Executive and the County Council. The report shall:

- 4 (i) Outline the activities of the Commission during the previous calendar  
5 year.
- 6 (ii) Identify actions or programs undertaken during the prior calendar year.
- 7 (iii) Identify other matters relevant to the authorized activities of the  
8 Commission.
- 9 (iv) Report on the cause of and means of eliminating discrimination.
- 10 (v) Contain recommendations for further legislation as needed.
- 11 (n) *Confidential information.* [[The]] TO THE EXTENT PERMITTED BY THE STATE  
12 PUBLIC INFORMATION ACT, AND UNLESS REQUIRED OTHERWISE BY SECTION  
13 12.214 OF THIS SUBTITLE, THE Commission shall hold confidential any  
14 information that would tend to disclose the identity of a complainant and/or  
15 respondent [[pursuant to section 12.214 of this subtitle]].
- 16 (o) At the directive of the County Executive or by resolution of the County  
17 Council, the Human Rights Commission shall review and make  
18 recommendations on any matter related to human rights.
- 19 (p) WHEN PERFORMING AN ADVISORY FUNCTION UNDER THIS SUBTITLE, THE  
20 COMMISSION MAY MEET IN CLOSED SESSION IF PERMITTED TO DO SO UNDER THE  
21 STATE OPEN MEETINGS ACT.

22  
23 **Section 12.206. Functions, powers and duties of the Office of the Administrator.**

24 **I. Duties and Responsibilities:**

- 25 (1) *Administration/enforcement of human rights law.* The Office of Human Rights  
26 is responsible for administering and enforcing the provisions of Howard  
27 County Human Rights Law, including, but not limited to:
  - 28 (a) Investigating complaints of discrimination to determine whether a  
29 violation of the Howard County Human Rights Law has occurred.
  - 30 (b) Attempting to eliminate violations of the Human Rights Law by  
31 conference, conciliation and persuasion.

- 1 (2) *Reports.* The Office of Human Rights and its Administrator shall make:  
2 (a) Annual reports to the County Executive and the County Council  
3 providing a statistical summary of the number, type and disposition of  
4 complaints received by the Office.  
5 (b) Monthly reports to the Commission briefly describing the factual  
6 situation of new cases, and the status and disposition of all other cases.

7  
8 The Human Rights Administrator shall make periodic reports to the County  
9 Executive, County Council and the Human Rights Commission on the Office's  
10 involvement in discrimination education programs and on the extent of its  
11 cooperate efforts with governmental and community agencies to combat  
12 discrimination.

- 13 (3) *Liaison with community.* The Office of Human Rights serves as liaison with  
14 the public, government agencies and community groups to develop plans and  
15 programs to combat discrimination and assist and cooperate with other local,  
16 State and Federal agencies and officials to protect and promote better human  
17 relations. The Office of Human Rights shall work with these agencies and  
18 groups in developing educational programs, heightening public awareness of  
19 discrimination and of methods of eliminating discrimination. The Office of  
20 Human Rights shall serve as a catalyst in fostering attitudes and beliefs among  
21 Howard County citizens which confirm that all individuals have an equal  
22 opportunity to pursue their lives free of discrimination.

23 [[(4) *Executive Secretary.* The Human Rights Administrator serves as Executive  
24 Secretary of the Human Rights Commission.]]

25 ([[5]]4) *Rules of procedure.* The Human Rights Administrator shall formulate and  
26 promulgate rules of procedure necessary to carry out the purposes of this  
27 subtitle, pursuant to the Administrative Procedure Act of Howard County  
28 (title 2, subtitle 1 of this Code).

29 ([[6]]5) *Other duties and responsibilities.* The Office of Human Rights and its  
30 Administrator shall perform the statutory duties set forth in this subtitle. The



1 Office of Human Rights shall perform such other functions as may be  
2 prescribed by directive of the County Executive or by law.  
3

4 **Section 12.207. Unlawful housing practices.**

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

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

12 II. *Unlawful Acts:*

13 (g) *Multifamily dwelling—Accessibility and usability.*

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

16 (i) The public use and common use portions of the dwelling are  
17 readily accessible to and usable by [[handicapped individuals]]

18 PERSONS WITH DISABILITIES;

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

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

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

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

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

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

29 (i) The appropriate requirements of the American National  
30 Standard for Buildings and Facilities Providing Accessibility

1 and Usability for Physically Handicapped Individuals  
2 (commonly cited as ANSI A117.1); or

- 3 (ii) The Federal law, regulations and guidelines on accessibility for  
4 [[physically handicapped individuals]] PERSONS WITH  
5 DISABILITIES adopted under the Federal Fair Housing Act  
6 Amendments of 1988 and incorporated by reference in the  
7 rules and regulations adopted by the Maryland Department of  
8 Housing and Community Development under article 83B of the  
9 Annotated Code of Maryland.

10  
11 **Section 12.207A. Unlawful housing practices—Subpoenas; evidence; conciliation; civil  
12 action.**

13 The procedures and requirements provided in section 12.207A and 12.207B shall apply only  
14 to matters involving unlawful housing practices. [[However, any procedures and  
15 requirements provided in section 12.212 which are not included in sections 12.207A and  
16 12.207B shall also apply to matters involving unlawful housing practices.]] PROCEDURES  
17 GOVERNING COMPLAINTS, SETTLEMENTS, INVESTIGATIONS, FINDINGS OF REASONABLE CAUSE,  
18 ADMINISTRATIVE HEARINGS, APPEALS, OATHS, INJUNCTIVE RELIEF, AND ENFORCEMENT THAT  
19 ARE NOT OTHERWISE CONTAINED IN THIS SECTION SHALL BE IN ACCORDANCE WITH SECTION  
20 12.212 OF THIS SUBTITLE.

21 I. *Subpoenas, etc.*

22 (a) *Right to subpoena.* The Human Rights Administrator and the Human Rights  
23 Commission may issue subpoenas and order discovery in aid of investigations  
24 and hearings concerning unlawful housing practices. Discovery shall be  
25 conducted as expeditiously and inexpensively as possible consistent with the  
26 need to obtain relevant evidence.

27 (b) *Requirement to respond to subpoena to provide evidence.* A person may not  
28 willfully fail or neglect to attend and testify, to answer any lawful inquiry, or  
29 to produce records, documents, or other evidence, if it is in the person's power  
30 to do so, in obedience to the subpoena or other lawful order issued pursuant to  
31 paragraph (a) of this subsection.

- 1 (c) *False or incomplete evidence; destruction of evidence.* A person, with intent  
2 to mislead another person in a proceeding concerning unlawful housing  
3 practices, may not:
- 4 (1) Make or cause to be made any false entry or statement of fact in a  
5 report, account, record or other document produced pursuant to  
6 subpoena or other lawful order issued pursuant to paragraph (a) of this  
7 subsection;
- 8 (2) Willfully neglect or fail to make or to cause to be made full, true and  
9 correct entries in the reports, accounts, records, or other documents; or
- 10 (3) Willfully mutilate, alter, or by another means falsify any documentary  
11 evidence.
- 12 (d) *Penalty for providing false or incomplete evidence or for destroying*  
13 *evidence.* Pursuant to [[State law]] SECTION 20-1102 OF THE STATE  
14 GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, a person  
15 who is convicted of violating the provisions of paragraph (b) or (c) of this  
16 subsection shall be fined not more than \$100,000.00 or imprisoned not more  
17 than one year or both.

18 II. *Conciliation:*

- 19 (a) *Settlement by conciliation.* A complaint alleging unlawful housing practices  
20 may be settled by conciliation at any time in the process. During the entire  
21 period after a complaint is filed, the Human Rights Administrator and, where  
22 appropriate, the Human Rights Commission, shall engage in conciliation.
- 23 (b) *Conciliation agreement made public.* [[Each conciliation agreement shall be  
24 made public unless the complainant and respondent otherwise agree and the  
25 Administrator determines the disclosure is not required to further the purposes  
26 of this subtitle.]] A CONCILIATION AGREEMENT SHALL BE MADE PUBLIC UNLESS  
27 THE STATE PUBLIC INFORMATION ACT OR OTHER STATE OR FEDERAL LAW  
28 PERMITS IT TO BE WITHHELD FROM DISCLOSURE.
- 29 (c) *Confidentiality.* Except in a proceeding to enforce a conciliation agreement,  
30 nothing said or done in the course of conciliation may be made public or used

1 as evidence in a subsequent proceeding under this subtitle without the written  
2 consent of the persons concerned.

- 3 (d) *Breach of conciliation agreement.* If the Administrator or the Commission has  
4 [[probable]]REASONABLE cause to believe that a respondent has breached a  
5 conciliation agreement, the Administrator may institute litigation to enforce  
6 the conciliation agreement in the same manner as provided in this section for  
7 the enforcement of an order of the Commission.

8  
9 **Section 12.207B. Same- Complaint; determination; resolution; enforcement.**

10 [[The procedures and requirements provided in section 12.207A and 12.207B shall apply  
11 only to matters involving unlawful housing practices. However, any procedures and  
12 requirements provided in section 12.212 which are not included in sections 12.207A and  
13 12.207B shall also apply to matters involving unlawful housing practices.]]

14 **I. Complaint Process:**

- 15 (a) *Filing of complaint.* A person aggrieved by an alleged unlawful housing  
16 practice may file a complaint with the Office of Human Rights within one  
17 year of the practice having occurred or terminated. The complainant may  
18 reasonably and fairly amend the complaint at any time.
- 19 (b) *Form of complaint.* All complaints shall be filed in writing, under oath or  
20 affirmation, and shall be upon a form provided by the Office. The complaint  
21 shall state the name and address of the complaint and the respondent and other  
22 pertinent information as required by the Administrator.
- 23 (c) *Advising complainant of procedures.* Within ten days of the filing of a  
24 complaint, the Administrator shall:
- 25 (1) Acknowledge receipt of the complaint;
  - 26 (2) Advise the complainant of the time limits provided pursuant to this  
27 section and of the options provided by law.
- 28 (d) *Advising respondent(s) of procedures.* Within ten days of the filing of a  
29 complaint or within ten days of identifying additional respondent(s) to those  
30 named in the complaint, the Administrator shall:

1 (1) Advise the respondent(s) of the filing and furnish the respondent(s)  
2 with a copy of the complaint;

3 (2) Advise the respondent(s) of the procedural rights and obligations of  
4 respondents pursuant to this section.

5 (e) *Opportunity for respondent(s) to reply.* The respondent(s) may file a written  
6 answer under oath to the complaint within ten days of receiving a copy from  
7 the Office of Human Rights. The answer to the complaint may be reasonably  
8 and fairly amended at any time.

9 II. *Investigation.* The Human Rights Administrator shall begin an investigation within 30  
10 days of receiving the complaint. Within 100 days of the filing of the complaint, the  
11 Administrator shall make an investigation and shall determine, based on the facts, whether  
12 ~~[[probable]]~~REASONABLE cause exists to believe that an unlawful housing practice has  
13 occurred or is about to occur.

14 If a determination has not been made within 100 days, the Administrator shall write to the  
15 complainant and respondent(s) advising them of the delay and the reasons for the delay.

16 III. *Dismissal for Lack of ~~[[Probable]]~~ REASONABLE Cause:*

17 (a) *Notify complainant.* If the Administrator determines that no  
18 ~~[[probable]]~~REASONABLE cause exists to believe that an unlawful housing  
19 practice has occurred or is about to occur, the Administrator shall promptly  
20 dismiss the complaint. The Administrator shall notify the complainant by  
21 certified mail that the complaint has been dismissed and shall give the reasons  
22 for the dismissal and the process for the complainant to seek reconsideration  
23 of the Administrator's decision by the Human Rights Commission. The  
24 Administrator shall send a copy of the letter to the respondent(s).

25 (b) *Appealing to Human Rights Commission.* A complainant may appeal the  
26 Administrator's dismissal of the complaint for lack of ~~[[probable]]~~  
27 REASONABLE cause by appealing the dismissal to the Human Rights  
28 Commission within 20 days of receiving the letter from the Administrator.

29 (c) *Determination by Commission.* The Commission may hold an administrative  
30 hearing on the appeal and issue a decision and order pursuant to the provisions  
31 of section 12.212.IV of this subtitle.

1 IV. *Referral to Human Rights Commission:*

2 (a) *Notification to parties.* If the Administrator determines that [[probable]]  
3 REASONABLE cause exists to believe that an unlawful housing practice has  
4 occurred [[or is about to occur]], the Administrator shall so notify the  
5 complainant and the respondent(s) by certified mail and shall indicate that the  
6 matter shall be referred to the Human Rights Commission if no conciliation is  
7 reached within 30 days of the notification.

8 (b) *Referral to Commission.* If the Administrator determines that  
9 [[probable]]REASONABLE cause exists to believe that an unlawful housing  
10 practice has occurred [[or is about to occur]] and no conciliation has been  
11 reached within 30 days of notifying the parties, the Administrator shall notify  
12 the Commission of the finding and the lack of conciliation and shall certify  
13 the file and the findings and transmit the documents to the Human Rights  
14 Commission.

15 (c) *Referral to County Solicitor.* If the Administrator determines that the matter  
16 involves the legality of a State or local zoning or other land use law or  
17 ordinance, the Administrator shall immediately refer the matter to the County  
18 Solicitor for further action.

19 (d) *TIME LIMIT ON DISPOSITION.* The Administrator and the Chairperson of the  
20 Human Rights Commission, if the matter has reached the public hearing stage,  
21 shall make final administrative disposition of a complaint within one year of  
22 receiving the complaint, unless it is impracticable to do so, in which case they  
23 shall notify the complainant and respondent in writing of the reasons for not  
24 doing so.

25 V. *Charge by Human Rights Commission.* Upon receipt of notification from the  
26 Administrator that there is [[probable]]REASONABLE cause to believe that an unlawful  
27 housing practice has occurred [[or is about to occur]], the Commission shall issue a charge on  
28 behalf of the complainant for further proceedings pursuant to this section. The Commission  
29 shall send a copy of the charge to the parties together with information regarding the time,  
30 date and place of a public hearing on the matter.

1 The charge may not be issued after the beginning of the trial of a civil action that is  
2 commenced by the complainant pursuant to State or Federal law seeking relief for the same  
3 unlawful housing practice. If a complainant initiates such an action, the Administrator and  
4 the Commission shall no longer be involved in the matter and shall send the results of its  
5 investigations to the U.S. Department of Housing and Urban Affairs.

6 VI. *Hearing; Consideration of Evidence.* Within 120 days of notification from the  
7 Administrator that there is ~~[[probable]]~~ REASONABLE cause to believe that an unlawful  
8 housing practice has occurred or is about to occur, the Human Rights Commission shall  
9 conduct a hearing in accordance with its rules of procedure and applicable law. If the  
10 Commission cannot begin the hearing within the 120-day period, ~~[[it]]~~ THE COMMISSION shall  
11 notify the complainant and respondent(s).

12 The hearing shall be conducted as expeditiously and inexpensively as possible consistent  
13 with the needs and rights of the parties to obtain a fair hearing and complete record. The  
14 hearing shall be de novo. Each party may appear in person, be represented by counsel,  
15 present evidence, cross-examine witnesses and obtain the issuance of subpoenas.

16 VII. *Decision and Order.* Within 60 days of conclusion of the hearing, the Commission shall  
17 issue ~~[[its]]~~ findings of fact and conclusions of law on the matter. If the Commission finds  
18 that the respondent has not engaged in unlawful housing practices, the Commission shall  
19 issue a written decision and order~~[[, stating its]]~~ INCLUDING findings of fact AND  
20 CONCLUSIONS OF LAW and ordering the dismissal of the complaint. The Commission shall  
21 serve each party with the decision and order and shall make public disclosure of the  
22 dismissal. If the Commission finds that the respondent has engaged in unlawful housing  
23 practices, the Commission shall issue a written decision and order INCLUDING ~~[[stating its]]~~  
24 findings OF FACT AND CONCLUSIONS OF LAW, ordering the respondent to cease and desist from  
25 the practice(s) and ordering appropriate action to carry out the purposes of this subtitle. The  
26 Commission shall serve each party with the decision and order.

27 VIII. *Appropriate Action.* Appropriate action may be monetary and/or nonmonetary. It may  
28 include actual damages suffered by the complainant and injunctive or other equitable relief.  
29 Appropriate action may include reasonable and customary attorney's fees.

30 An order issued pursuant to this subsection and subsection VII shall not affect any contract,  
31 sale, encumbrance, or lease consummated before the issuance of the order and involving a

1 bona fide purchaser, [[encumbrancer]] ENCUMBRANCE, or tenant without actual notice of the  
2 charge filed under this subtitle.

3 IX. *Civil Penalties.* The decision and order may include the assessment of civil penalties to  
4 be paid by the respondent(s) to the general fund of the County. Pursuant to [[State  
5 law]] SECTION 20-1028 OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF  
6 MARYLAND, a civil penalty not exceeding:

- 7 (a) Ten thousand dollars may be assessed if the respondent has not been adjudged  
8 to have committed any prior unlawful housing practice;
- 9 (b) Twenty-five thousand dollars may be assessed if the respondent has been  
10 adjudged to have committed one other unlawful housing practice during the  
11 five-year period prior to the filing of this complaint; and
- 12 (c) Fifty thousand dollars may be assessed if the respondent has been adjudged to  
13 have committed two or more unlawful housing practices during the seven-year  
14 period prior to the filing of this complaint.

15 If the unlawful housing practice was committed by the same individual who has been  
16 previously adjudged to have committed unlawful housing practice(s), then the civil penalties  
17 set forth in paragraphs (b) and (c) of this subsection may be imposed without regard to the  
18 period of time within which any subsequent unlawful housing practice occurred.

19 X. *Regulatory Referral.* If the order concerned an unlawful housing practice that occurred in  
20 the course of a business subject to licensing or regulation by a State or County agency, the  
21 Commission shall, within 30 days of the issuance of the decision and order:

- 22 (a) Send copies of the decision and order to the State or County agency; and
- 23 (b) Recommend to the State or County, agency appropriate disciplinary action,  
24 including, where appropriate:
  - 25 (1) The suspension or revocation of the license of the respondent; or
  - 26 (2) The suspension or debarment of the respondent from participation in  
27 State and local loan, grant or other regulated programs.

28 XI. *Appeal to Circuit Court Review or Enforcement:*

- 29 (a) *Right to appeal.* Within 30 days of its issuance, any party aggrieved by the  
30 decision and order may appeal to the Circuit Court of Howard County for



1 judicial review of the decision and order. If such an appeal is taken, the  
2 [[Commission]] COUNTY is a party to the appeal.

3  
4 If no appeal for review has been filed with the Howard County Circuit Court  
5 within 30 days, the findings of fact and conclusions of law of the  
6 Commission's final order shall be conclusive.

7 (b) *Petition [[by Commission]]*: The [[Commission]] COUNTY may file a written  
8 petition with the Howard County Circuit Court for the enforcement of the  
9 Commission's order and for appropriate temporary relief or restraining order.  
10 The Clerk of the County shall send a copy of the petition to the parties in the  
11 appeal.

12 In an enforcement proceeding brought under this paragraph[[:

- 13 (1) Any]] ANY party to the proceedings before the Commission may  
14 intervene in the Circuit Court[[: and  
15 (2) Unless the failure or neglect to urge the objections was excused  
16 because of extraordinary circumstances, an objection not made before  
17 the Commission during the hearing may not be considered by the  
18 court]].

19 (c) *Person entitled to relief*. If, within 30 days of issuance of the decision and  
20 order, no appeal has been made to the Howard County Circuit Court for  
21 [[judicial review nor]] JUDICIAL REVIEW AND NO [[a]] petition HAS BEEN filed  
22 by the Commission for enforcement of the order, any person entitled to relief  
23 under the order may petition the Howard County Circuit Court for a decree  
24 enforcing the order.

25  
26 **Section 12.207C. Civil action by Commission on its own initiative.**

27 I. *Authority for Human Rights Commission to Commence a Civil Action*. Whenever the  
28 Human Rights Commission has[[probable]] REASONABLE cause to believe that a person or  
29 group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any  
30 of the housing rights granted by this subtitle, or that any group of persons has been denied  
31 any of the housing rights granted by this subtitle and that the denial or resistance raises an

1 issue of general public importance, the Commission may commence a civil action in the  
2 Howard County Circuit Court.

3 II. *Court Award.* In a civil action pursuant to this subsection, the court:

4 (a) May award preventive relief, including a permanent or temporary injunction,  
5 restraining order, or other order against the person responsible for a violation  
6 of this subtitle as is necessary to assure the full enjoyment of the housing  
7 rights granted by this subtitle;

8 (b) May award other relief as the court deems appropriate, including monetary  
9 damages to persons aggrieved; and

10 (c) Pursuant to [[State law]]SECTION 20-1036 OF THE STATE GOVERNMENT  
11 ARTICLE OF THE ANNOTATED CODE OF MARYLAND, may, to vindicate the  
12 public interest, assess a [[civic]]CIVIL penalty against the respondent:

13 (1) In an amount not exceeding \$50,000.00 for a first violation; and

14 (2) In an amount not exceeding \$100,000.00 for any subsequent violation.

15 The court, in its discretion, may allow the prevailing party, including the  
16 [[Commission]] OFFICE, reasonable attorney's fees and costs.

17 III. *Intervention in the Civil Action Commenced by the Commission.* Upon timely  
18 application, a person may intervene in a civil action commenced by the Commission under  
19 this section if the action involves:

20 (a) An alleged unlawful housing practice to which the person is an aggrieved  
21 person; or

22 (b) A conciliation agreement to which the person is party.

23 The court may grant appropriate relief to any intervening party as is authorized to be  
24 granted to a plaintiff in a civil action commenced pursuant to [[section 33 of article  
25 49B]] SECTION 20-1013 OF THE STATE GOVERNMENT ARTICLE of the Annotated Code  
26 of Maryland.

27  
28 **Section 12.208. Unlawful employment practices.**

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

31

1 (b) *Because of sex* includes because of or on the basis of pregnancy, childbirth, or  
2 related medical conditions. Women affected BECAUSE OF [[by]] pregnancy,  
3 childbirth, or related medical conditions shall be treated the same for all  
4 employment related purposes, including receipt of benefits under fringe  
5 benefit programs, as other persons not so affected, but similar in their ability  
6 or inability to perform work.

7 III. *Exemptions.*

8 (e) *Howard County employees.* [[Neither the Office of Human Rights nor the  
9 Human Rights Commission may]] THE OFFICE OF HUMAN RIGHTS OR THE  
10 HUMAN RIGHTS COMMISSION MAY NOT take action with respect to any  
11 allegation of discrimination against the Howard County Government until the  
12 aggrieved individual has exhausted all of [[his/her]] THE INDIVIDUAL'S  
13 administrative remedies pursuant to [[article]] ARTICLE VII of the Howard  
14 County Charter and any laws or regulations enacted pursuant to  
15 [[article]] ARTICLE VII. Provided that all other requirements of section 12.212  
16 have been met, [[the time constraints of section III (a)(2), (b)(3), and (d) shall  
17 not apply until the administrative remedies have been exhausted.]] ANY TIME  
18 REQUIREMENTS CONTAINED IN SUBSECTION III (A)(2), (B)(3), AND (D) OF THIS  
19 SECTION SHALL BE STAYED PENDING THE OUTCOME OF THE ADMINISTRATIVE  
20 ACTION REQUIRED BY ARTICLE VII OF THE HOWARD COUNTY CHARTER.

21  
22 **Section 12.209. Unlawful law enforcement practices.**

23 IV. *Investigation by Law Enforcement Agency.* Upon request of the Office of Human Rights  
24 and when permitted by law, the law enforcement agency shall commence an investigation  
25 pursuant to the provisions of [[article 27, sections 727—734]] SUBTITLE 1 OF TITLE 3 OF THE  
26 PUBLIC SAFETY ARTICLE of the Annotated Code of Maryland, and any other pertinent  
27 provisions of law, and upon its completion provide a report of the investigation to the Office  
28 of Human Rights.

1 **Section 12.212. Unfair employment practices, unfair public accommodation practices,**  
2 **unfair law enforcement practices, unfair financing practices—Complaint, investigation,**  
3 **conciliation, decision and order, administrative hearing, subpoena power and**  
4 **enforcement.**

5 I. *Complaint:*

6 (a) *Right to file.* Any person claiming to be aggrieved by an alleged unlawful act  
7 in violation of this subtitle may file a complaint within six months after the  
8 alleged violation has occurred or has been discovered by the complainant.

9 (b) *Form of complaint.* All complaints shall be filed in writing, under oath, and  
10 shall be upon a form provided by the Office.

11 (c) *Where to file.* Complaints shall be filed with the Office of Human Rights.

12 (d) *Content of complaint.* The complaint shall state the name and address of the  
13 complainant and the respondent and other pertinent information as required by  
14 the Administrator.

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

17 (f) *Withdrawal of complaint.* The complainant may withdraw the complaint at  
18 any time BY FILING WRITTEN NOTICE WITH THE OFFICE.

19 II. *Settlement [[before Issuance of Any Finding]].* The [[complaint may be settled at any  
20 time before a finding of reasonable cause/no reasonable cause is issued]]PARTIES MAY SETTLE  
21 THE COMPLAINT AT ANY TIME.

22 III. *Investigation, Determination and Conciliation:*

23 (a) *Consideration of complaint:*

24 (1) The Administrator shall consider all complaints filed.

25 (2) Within 15 days of the filing of a complaint, the Administrator shall  
26 determine through analysis of law and preliminary investigation if the  
27 facts alleged are sufficient to establish that a violation of this subtitle  
28 may have occurred. The Administrator may contact the respondent in  
29 this determination.

30 (b) *Dismissal of complaint:*

- 1 (1) If the Administrator determines that the facts alleged are insufficient to  
2 establish that a violation of this subtitle may have occurred, the  
3 Administrator shall dismiss the complaint.
- 4 (2) If the complaint is dismissed, the Administrator shall send a dismissal  
5 letter by certified mail to the complainant stating the fact of dismissal,  
6 the reasons for dismissal and the process for the complainant to seek  
7 reconsideration of the Administrator's decision by the Human Rights  
8 Commission. The Administrator shall send a copy of the dismissal  
9 letter by certified mail to the respondent.
- 10 (3) If the complainant seeks reconsideration of the Administrator's  
11 dismissal of the complaint, the complainant must send a letter to the  
12 Chairperson of the Human Rights Commission within 15 days of  
13 receipt of the dismissal letter stating the reasons the complainant  
14 disagrees with the dismissal of the complaint.
- 15 (4) WITHIN 15 DAYS OF THE RECONSIDERATION REQUEST, THE [[The]]  
16 Chairperson of the Commission shall schedule a meeting with the  
17 complainant. THE COMMISSION SHALL SEND WRITTEN NOTIFICATION OF  
18 THE DATE, PLACE, AND TIME OF THE MEETING TO THE COMPLAINANT BY  
19 CERTIFIED MAIL. At least two other Commissioners shall be present at  
20 the meeting in addition to the Administrator and the Commission's  
21 legal advisor.
- 22 a. If the Chairperson and the Commissioners determine that the  
23 complaint should be investigated, the Chairperson shall so state  
24 in a letter to the Administrator with a copy to the complainant.  
25 The Administrator shall proceed with an investigation of the  
26 complaint.
- 27 b. If the Chairperson and the Commissioners determine that the  
28 complaint should be dismissed, the Chairperson shall so state  
29 in a letter sent by certified mail to the complainant with a copy  
30 to the Administrator.

1 (5) If the Commission dismisses the complaint, and the complainant  
2 wishes to pursue the matter, the complainant may bring a suit seeking  
3 a declaratory judgment in the Circuit Court for Howard County.

4 (c) *Authorization of complaint for investigation.* If the Administrator determines  
5 that the facts alleged are sufficient to establish that a violation of this subtitle  
6 may have occurred, the Administrator shall authorize the complaint for  
7 investigation.

8 (d) *Determination after investigation.* Within 180 days of the authorization of a  
9 complaint for investigation, the Administrator shall issue written findings of  
10 the results of the investigation which shall state whether or not there is  
11 reasonable cause to believe that a violation of this subtitle may have occurred.  
12 Due to exigent circumstances, the time period may be extended for an  
13 additional 180 days at the discretion of the Administrator. The findings shall:

- 14 (1) Summarize the factual background of the case.
- 15 (2) Contain the basis for the finding of reasonable cause or no reasonable  
16 cause.
- 17 (3) Outline the next appropriate steps as provided in subsections  
18 12.212III(e) and (f) of this subtitle.
- 19 (4) Be sent by certified mail to all parties.

20 (e) *Findings of reasonable cause and conciliation:*

21 (1) Within 30 days of a finding of reasonable cause to believe that a  
22 violation of this subtitle may have occurred, the Administrator shall  
23 attempt to rectify the violation by conference, conciliation and  
24 persuasion.

25 (2) Any conciliation agreement for elimination of the violation shall be  
26 reduced to a legally enforceable written instrument signed by the  
27 complainant, respondent and the Administrator or their authorized  
28 representatives.

29 (3) If no conciliation agreement is reached, the Administrator shall notify  
30 all parties by certified mail of the failure to conciliate and shall refer

1 the matter to the Commission for a public administrative hearing under  
2 the provisions of subsection IV. below.

3 (f) *Findings of no reasonable cause.* With the finding of no reasonable cause to  
4 believe that a violation of this subtitle may have occurred, the Administrator  
5 will issue a decision and order:

6 (1) Advising the parties of their right, within 20 days of the finding, to  
7 request an administrative appeal hearing before the Commission;

8 (2) Detailing the method for requesting the hearing; and

9 (3) Requiring any prospective appellant to list the reasons for appeal.

10 IV. *Administrative Hearings:*

11 (a) *Failure to conciliate.* The Human Rights Commission shall hold an  
12 administrative hearing in case of failure to reach an agreement for the  
13 rectification of violations under subsection 12.212III(e) above.

14 (b) *After issuance of finding of no reasonable cause.* The Commission may hold  
15 an administrative hearing upon the request of any party if the Administrator  
16 has issued a finding of no reasonable cause.

17  
18 (c) *Certification of file, transmittal of documents.* The Administrator shall certify  
19 the entire file and his/her finding and transmit the documents to the  
20 Commission.

21 (d) *Distribution of complaint.* The Chairperson of the Commission shall send all  
22 parties a copy of the complaint requiring the respondent to answer the charges  
23 at a public hearing.

24 (e) *Notice.* The Chairperson shall issue and serve on all parties a notice, BY  
25 CERTIFIED MAIL, giving the time and place of the public hearing before the  
26 Commission.

27 (f) *Rules and procedure.* The Commission shall conduct the hearing in  
28 accordance with its rules of procedure and applicable law. All hearings are *de*  
29 *novo.*

- 1 (g) *Oaths, subpoenas.* In the administration and enforcement of its duties, the  
2 Commission may administer oaths and issue subpoenas using the same  
3 standards and procedures as in subsection VI. of this section.
- 4 (h) *Consideration of evidence; purpose.* The Commission shall consider all  
5 evidence to determine whether the respondent has engaged in act(s) which  
6 violate the provisions of this subtitle.
- 7 (i) *Dismissal—Decision and order.* If the Commission finds that the respondent  
8 has not engaged in acts which violate the provisions of this subtitle, it shall  
9 issue a written decision and order, stating its findings of fact and ordering the  
10 dismissal of the complaint. The Commission shall serve each party with the  
11 decision and order.
- 12 (j) *Violations; decision and order; appropriate action.* If the Commission finds  
13 that the respondent has engaged in acts which violate the provisions of this  
14 subtitle, it shall issue a written decision and order stating its findings, ordering  
15 the respondent to cease and desist from the act(s) and ordering appropriate  
16 action to carry out the purposes of this subtitle shall serve each party with the  
17 decision and order.
- 18 (1) *Affirmative action.* The affirmative action ordered by the Commission  
19 may include, but is not limited to:
- 20 (i) Reinstatement or hiring of employees.
  - 21 (ii) Back pay (payable by the employer, employment agency or  
22 labor organization responsible for the unlawful employment  
23 practice). The claimant's interim earnings (or amounts earnable  
24 with reasonable diligence) shall operate to reduce monetary  
25 relief otherwise allowable.
  - 26 (iii) Reasonable and customary attorney's fees.
  - 27 (iv) Nonmonetary relief.
  - 28 (v) Any other equitable relief that is deemed appropriate.

29 V. *Appeal:*



- 1 (a) *Right to appeal.* Within 30 days of the Commission's issuance of a decision  
2 and order, any party to the proceeding may appeal the decision and order to  
3 the Circuit Court of Howard County.
- 4 (b) *Procedure.* Appeals shall be in accordance with the Maryland Rules of  
5 Procedure providing for appeals from administrative agencies.
- 6 (c) *Legal representation.* The Commission shall be a party to all appeals and shall  
7 be represented at any such hearing by the County Office of Law.

8 VI. *Oaths and Subpoena Powers:*

- 9 (a) *Administrator.* In the administration and enforcement of any of the provisions  
10 of this subtitle, the Administrator may administer oaths and issue subpoenas to  
11 compel:
- 12 (I) The attendance and testimony of witnesses, and  
13 (II) The production of records and documents relevant and necessary for  
14 proceedings under this subtitle.
- 15 (b) *Service of subpoena.* Any subpoena shall be forwarded for service to the  
16 sheriff or deputy sheriff of the political subdivision in which is located the  
17 residence of the person or the main office of the firm, association, partnership  
18 or corporation to whom the subpoena is issued.
- 19 (c) *Enforcement of subpoena.* In case of disobedience to the subpoena, the  
20 Administrator, represented by the Office of Law, shall apply to a court of  
21 competent jurisdiction for an [[a]] order to enforce the subpoena.

22 VII. *Injunctive Relief:*

- 23 (a) *Civil action.* If, after the filing of a complaint, the Administrator reasonably  
24 believes that civil action to preserve the status quo or to prevent irreparable  
25 harm is advisable, the Administrator may bring any action necessary to  
26 preserve the status quo or to prevent the irreparable harm.
- 27 (b) *Legal representation.* The Administrator shall be represented by the Office of  
28 Law.
- 29 (c) *Circuit Court for Howard County.* Any action, including but not limited to an  
30 action to obtain temporary injunctive relief, shall be brought in the Circuit  
31 Court for Howard County.

VIII. *Enforcement.* If any respondent refuses to comply with [[the]]A decision and order of the Commission, the Commission may bring an action in the Circuit Court for Howard County to enforce compliance with the decision and order.

**Section 12.214. Confidential character of information related to investigation.**

I. *Confidentiality DURING INVESTIGATIONS [[until Administrative Hearing]]:*

(a) *No publicity.* [[During]] TO THE EXTENT PERMITTED BY THE STATE PUBLIC INFORMATION ACT, DURING the investigation of any complaint alleging a violation of sections 12.207 to 12.211 of this subtitle and until matters related to the complaint reach the administrative hearing stage, the [[activities]] RECORDS of the Office and of the Commission [[shall be conducted without publicity]] RELATED TO THE INVESTIGATION ARE CONFIDENTIAL.

(b) *Exemptions.* The Administrator and members of the Commission shall hold confidential any information that would tend to disclose the identity of the complainant and respondent, except that:

- (1) Information may be released at any time if the complainant and the respondent agree in writing to release the information; [[or]]
- (2) The identity of the complainant shall be disclosed, upon request, to the respondent; [[or]]
- (3) The identity of the complainant and respondent may be made public after the parties have been notified that a hearing on their case has been scheduled; or
- (4) The [[office]] OFFICE may cooperate with Federal and State agencies and shall make available to such agencies its files and investigative data, if [[the Office is satisfied that the agencies will preserve the confidentiality of the data provided and have a need to know the information]] PERMITTED OR REQUIRED TO DO SO BY STATE OR FEDERAL LAW OR COURT ORDER.

II. *Violations; Penalty:*

(a) *Fine, imprisonment; civil penalty.* Any Commissioner or staff member in the Office who is convicted of violating provisions of this section shall be guilty

1 of a misdemeanor and, upon conviction, shall be fined up to \$1,000.00 and/or  
2 imprisoned for up to 6 months. Alternatively or in addition to and concurrent  
3 with all other remedies, the County Solicitor may enforce the provisions of  
4 this section using civil penalties pursuant to the provisions of title 24, "Civil  
5 Penalties," of the Howard County Code. A violation of this section shall be a  
6 Class A offense.

7 (b) *Removal from office.* Any Commissioner who violates the provisions of this  
8 section shall be removed from office IN ACCORDANCE WITH SECTION 903 OF  
9 THE HOWARD COUNTY CHARTER.

10 (c) *Discharge of employee.* Any staff member who violates the provisions of this  
11 section shall be discharged IN ACCORDANCE WITH THE HOWARD COUNTY  
12 CODE AND THE HOWARD COUNTY EMPLOYEE MANUAL.

13  
14 **Section 12.215. Criminal penalties for falsification of documents, etc.**

15 I. A PERSON IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, IS SUBJECT TO A FINE NOT  
16 EXCEEDING \$1,000.00 OR IMPRISONMENT NOT EXCEEDING SIX MONTHS, OR BOTH, FOR ANY OF  
17 THE FOLLOWING VIOLATIONS:

18 (A) FALSIFICATION OF ANY DOCUMENT, RECORD, OR REPORT THAT HAS BEEN  
19 SUBPOENAED PURSUANT TO THIS SUBTITLE;

20 (B) WILLFULLY PROVIDING FALSE TESTIMONY OR INFORMATION BEFORE THE  
21 HEARING EXAMINER, COMMISSION, OR THE ADMINISTRATOR; OR

22 (C) INTIMIDATION OF ANY WITNESS, COMPLAINANT OR RESPONDENT IN ANY  
23 PROCEEDING BEFORE THE HEARING EXAMINER, COMMISSION, OR THE  
24 ADMINISTRATOR.

25 II. EACH DAY A VIOLATION OCCURS OR CONTINUES IS A SEPARATE OFFENSE. COSTS MAY BE  
26 IMPOSED AT THE DISCRETION OF THE COURT.

27 [[A person who:

28 I. Falsifies any documents, records or reports that have been subpoenaed pursuant to this  
29 subtitle; or

30 II. Willfully gives false testimony before the Commission or the Administrator; or

1 III. Intimidates any witness, complainant or respondent in any proceeding before the  
2 Commission; shall, upon conviction, be guilty of a misdemeanor and shall be subject to a  
3 fine of up to \$1,000.00 and/or imprisonment for up to six months. ]]

4  
5 **Section 12.217. Nonexclusive remedy.**

6 III. ~~[[*Action at Law Plus Remedies of This Subtitle.* The action in the Circuit Court for  
7 Howard County shall be in addition to pursuing the procedures and seeking the remedies set  
8 forth in this subtitle. ]]~~ *TERMINATION OF ADMINISTRATIVE PROCESS.* IF THE AGGRIEVED PERSON  
9 BRINGS AN ACTION BEFORE THE CIRCUIT COURT OF HOWARD COUNTY, IN A MATTER WHICH IS  
10 PENDING BEFORE OFFICE OR THE COMMISSION, THE OFFICE OR COMMISSION SHALL CLOSE THE  
11 CASE AND CEASE ALL PROCEEDINGS ON THE MATTER.

12  
13 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland,  
14 *that, in accordance with Section 12.202.IX.(o) of the Howard County Code, the Human  
15 Rights Commission shall work with the Office of Human Rights and the Executive Secretary  
16 of the Commission in order to prepare and submit a Report to the County Executive that  
17 shall:*

- 18 1. *Include data on the number of cases docketed by the Commission in the last 5*  
19 *years, the length of time taken to resolve each case, and the reason for the*  
20 *length of time from the date the complaint is docketed with the Human Rights*  
21 *Commission to issuance of a Decision and Order or closure of the case;*
- 22 2. *Include a needs assessment concerning the Commission's education and*  
23 *outreach initiatives as authorized by Section 12.202IX(f) of the Code;*
- 24 3. *Make a recommendation as to time limits from the docketing of a complaint*  
25 *with the Commission to the administrative disposition of a case, which shall*  
26 *not exceed 120 days;*
- 27 4. *Recommend methods to ensure timely and efficient investigations and*  
28 *resolutions of cases which should include the use of a Hearing Examiner*  
29 *system as follows:*
  - 30 a. *The plan should include at least two alternatives;*

1           b.     *At least one alternative should propose the use of a Hearing Examiner*  
2                 *to hear cases where the Office finds that reasonable cause exists for a*  
3                 *complaint; and*

4           c.     *The plan shall describe the perceived advantages and disadvantages*  
5                 *of each alternative;*

6           5.     *Include specific goals to implement the Commission's duties with specific*  
7                 *attention to recommendations related to education and outreach*  
8                 *responsibilities;*

9           6.     *Include other proposed legislative changes; and*

10          7.     *Be submitted to the County Executive on or before September 1, 2015.*

11  
12    ***Section 3. And Be It Further Enacted*** *by the County Council of Howard County, Maryland,*  
13    *that the Office of Law is directed, in consultation with the Legislative Coordinator in the*  
14    *Department of County Administration and the publisher of the Howard County Code, to*  
15    *recodify all sections of Title 12, Subtitle 2 of the Code in a manner generally consistent with*  
16    *the current codification style of the Code, and the resulting recodification shall remain in*  
17    *effect until amended or repealed by legislative act of the County Council.*

18  
19    ***Section 4. And Be It Further Enacted*** *by the County Council of Howard County, Maryland,*  
20    *that this Act shall become effective 61 days after its enactment.*

Amendment 3 to Council Bill No. 4-2015

BY: The Chairperson at the  
request of the County Executive

Legislative Day No.  
Date: May 4, 2015

Amendment No. 3

*(This amendment removes three references to bringing a cause of action that has not yet occurred.)*

1  
2  
3  
4  
5

Strike “or is about to occur” in the following instances:

1. On page 11, in line 13;
2. On page 11, in line 19; and
3. On page 13, in line 8.

ADOPTED 5/4/15  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Aldred

- 1 (c) *Confidentiality*. Except in a proceeding to enforce a conciliation agreement,  
2 nothing said or done in the course of conciliation may be made public or used  
3 as evidence in a subsequent proceeding under this subtitle without the written  
4 consent of the persons concerned.
- 5 (d) *Breach of conciliation agreement*. If the Administrator or the Commission has  
6 [[probable]]REASONABLE cause to believe that a respondent has breached a  
7 conciliation agreement, the Administrator may institute litigation to enforce  
8 the conciliation agreement in the same manner as provided in this section for  
9 the enforcement of an order of the Commission.

10  
11 **Section 12.207B. Same- Complaint; determination; resolution; enforcement.**

12 [[The procedures and requirements provided in section 12.207A and 12.207B shall apply  
13 only to matters involving unlawful housing practices. However, any procedures and  
14 requirements provided in section 12.212 which are not included in sections 12.207A and  
15 12.207B shall also apply to matters involving unlawful housing practices.]]

16 I. *Complaint Process:*

- 17 (a) *Filing of complaint*. A person aggrieved by an alleged unlawful housing  
18 practice may file a complaint with the Office of Human Rights within one  
19 year of the practice having occurred or terminated. The complainant may  
20 reasonably and fairly amend the complaint at any time.
- 21 (b) *Form of complaint*. All complaints shall be filed in writing, under oath or  
22 affirmation, and shall be upon a form provided by the Office. The complaint  
23 shall state the name and address of the complaint and the respondent and other  
24 pertinent information as required by the Administrator.
- 25 (c) *Advising complainant of procedures*. Within ten days of the filing of a  
26 complaint, the Administrator shall:
- 27 (1) Acknowledge receipt of the complaint;
  - 28 (2) Advise the complainant of the time limits provided pursuant to this  
29 section and of the options provided by law.

1 (d) *Advising respondent(s) of procedures.* Within ten days of the filing of a  
2 complaint or within ten days of identifying additional respondent(s) to those  
3 named in the complaint, the Administrator shall:

- 4 (1) Advise the respondent(s) of the filing and furnish the respondent(s)  
5 with a copy of the complaint;  
6 (2) Advise the respondent(s) of the procedural rights and obligations of  
7 respondents pursuant to this section.

8 (e) *Opportunity for respondent(s) to reply.* The respondent(s) may file a written  
9 answer under oath to the complaint within ten days of receiving a copy from  
10 the Office of Human Rights. The answer to the complaint may be reasonably  
11 and fairly amended at any time.

12 II. *Investigation.* The Human Rights Administrator shall begin an investigation within 30  
13 days of receiving the complaint. Within 100 days of the filing of the complaint, the  
14 Administrator shall make an investigation and shall determine, based on the facts, whether  
15 ~~[[probable]]~~ REASONABLE cause exists to believe that an unlawful housing practice has  
16 occurred or is about to occur.

17 If a determination has not been made within 100 days, the Administrator shall write to the  
18 complainant and respondent(s) advising them of the delay and the reasons for the delay.

19 III. *Dismissal for Lack of ~~[[Probable]]~~ REASONABLE Cause:*

20 (a) *Notify complainant.* If the Administrator determines that no  
21 ~~[[probable]]~~ REASONABLE cause exists to believe that an unlawful housing  
22 practice has occurred or is about to occur, the Administrator shall promptly  
23 dismiss the complaint. The Administrator shall notify the complainant by  
24 certified mail that the complaint has been dismissed and shall give the reasons  
25 for the dismissal and the process for the complainant to seek reconsideration  
26 of the Administrator's decision by the Human Rights Commission. The  
27 Administrator shall send a copy of the letter to the respondent(s).

28 (b) *Appealing to Human Rights Commission.* A complainant may appeal the  
29 Administrator's dismissal of the complaint for lack of ~~[[probable]]~~  
30 REASONABLE cause by appealing the dismissal to the Human Rights  
31 Commission within 20 days of receiving the letter from the Administrator.



1 (c) *Determination by Commission.* The Commission may hold an administrative  
2 hearing on the appeal and issue a decision and order pursuant to the provisions  
3 of section 12.212.IV of this subtitle.

4 IV. *Referral to Human Rights Commission:*

5 (a) *Notification to parties.* If the Administrator determines that [[probable]]  
6 REASONABLE cause exists to believe that an unlawful housing practice has  
7 occurred [[or is about to occur]], the Administrator shall so notify the  
8 complainant and the respondent(s) by certified mail and shall indicate that the  
9 matter shall be referred to the Human Rights Commission if no conciliation is  
10 reached within 30 days of the notification.

11 (b) *Referral to Commission.* If the Administrator determines that  
12 [[probable]]REASONABLE cause exists to believe that an unlawful housing  
13 practice has occurred [[or is about to occur]] and no conciliation has been  
14 reached within 30 days of notifying the parties, the Administrator shall notify  
15 the Commission of the finding and the lack of conciliation and shall certify  
16 the file and the findings and transmit the documents to the Human Rights  
17 Commission.

18 (c) *Referral to County Solicitor.* If the Administrator determines that the matter  
19 involves the legality of a State or local zoning or other land use law or  
20 ordinance, the Administrator shall immediately refer the matter to the County  
21 Solicitor for further action.

22 (d) *TIME LIMIT ON DISPOSITION.* The Administrator and the Chairperson of the  
23 Human Rights Commission, if the matter has reached the public hearing stage,  
24 shall make final administrative disposition of a complaint within one year of  
25 receiving the complaint, unless it is impracticable to do so, in which case they  
26 shall notify the complainant and respondent in writing of the reasons for not  
27 doing so.

28 V. *Charge by Human Rights Commission.* Upon receipt of notification from the  
29 Administrator that there is [[probable]]REASONABLE cause to believe that an unlawful  
30 housing practice has occurred [[or is about to occur]], the Commission shall issue a charge on  
31 behalf of the complainant for further proceedings pursuant to this section. The Commission

1 shall send a copy of the charge to the parties together with information regarding the time,  
2 date and place of a public hearing on the matter.

3 The charge may not be issued after the beginning of the trial of a civil action that is  
4 commenced by the complainant pursuant to State or Federal law seeking relief for the same  
5 unlawful housing practice. If a complainant initiates such an action, the Administrator and  
6 the Commission shall no longer be involved in the matter and shall send the results of its  
7 investigations to the U.S. Department of Housing and Urban Affairs.

8 VI. *Hearing; Consideration of Evidence.* Within 120 days of notification from the  
9 Administrator that there is ~~[[probable]]~~REASONABLE cause to believe that an unlawful  
10 housing practice has occurred or is about to occur, the Human Rights Commission shall  
11 conduct a hearing in accordance with its rules of procedure and applicable law. If the  
12 Commission cannot begin the hearing within the 120-day period, ~~[[it]]~~THE COMMISSION shall  
13 notify the complainant and respondent(s).

14 The hearing shall be conducted as expeditiously and inexpensively as possible consistent  
15 with the needs and rights of the parties to obtain a fair hearing and complete record. The  
16 hearing shall be de novo. Each party may appear in person, be represented by counsel,  
17 present evidence, cross-examine witnesses and obtain the issuance of subpoenas.

18 VII. *Decision and Order.* Within 60 days of conclusion of the hearing, the Commission shall  
19 issue ~~[[its]]~~ findings of fact and conclusions of law on the matter. If the Commission finds  
20 that the respondent has not engaged in unlawful housing practices, the Commission shall  
21 issue a written decision and order~~[[, stating its]]~~INCLUDING findings of fact AND  
22 CONCLUSIONS OF LAW and ordering the dismissal of the complaint. The Commission shall  
23 serve each party with the decision and order and shall make public disclosure of the  
24 dismissal. If the Commission finds that the respondent has engaged in unlawful housing  
25 practices, the Commission shall issue a written decision and order INCLUDING ~~[[stating its]]~~  
26 findings OF FACT AND CONCLUSIONS OF LAW, ordering the respondent to cease and desist from  
27 the practice(s) and ordering appropriate action to carry out the purposes of this subtitle. The  
28 Commission shall serve each party with the decision and order.

29 VIII. *Appropriate Action.* Appropriate action may be monetary and/or nonmonetary. It may  
30 include actual damages suffered by the complainant and injunctive or other equitable relief.  
31 Appropriate action may include reasonable and customary attorney's fees.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 7, 2015.

Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council