

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

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.

Tabled March 2, 2015
Extended April 6, 2015
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

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 5/7/2015, 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 ~~1110. *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”.*~~

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 ~~[(4) — *Executive Secretary.* The Human Rights Administrator serves as Executive
26 Secretary of the Human Rights Commission.]]~~

27 ~~[[5]]4) *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 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 ~~or is about to occur~~ ~~probable~~ REASONABLE cause to believe that an unlawful
10 housing practice has occurred, 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.

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

7 I. *Complaint:*

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

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

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

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

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

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

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

24 III. *Investigation, Determination and Conciliation:*

25 (a) *Consideration of complaint:*

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

27 (2) Within 15 days of the filing of a complaint, the Administrator shall
28 determine through analysis of law and preliminary investigation if the
29 facts alleged are sufficient to establish that a violation of this subtitle
30 may have occurred. The Administrator may contact the respondent in
31 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 ~~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 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.

RECEIVED

FAILED

SIGNATURE

4/6/15


- 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
3
4

On page 2, in line 21, before "IDENTIFICATION" insert "ACTUAL OR PERCEIVED".

On page 2, in line 22, strike "MALE OR FEMALE".

ADOPTED 4/6/15
FAILED _____
SIGNATURE Josie [Signature]

1. 2000-2001
2. 2001-2002
3. 2002-2003

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.

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 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 Strike "or is about to occur" in the following instances:

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

ADOPTED 5/4/15
FAILED _____
SIGNATURE Jessica Howard

- 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).

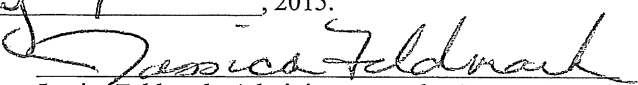
14 The hearing shall be conducted as expeditiously and inexpensively as possible consistent
15 with the needs and rights of the parties to obtain a fair hearing and complete record. The
16 hearing shall be de novo. Each party may appear in person, be represented by counsel,
17 present evidence, cross-examine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

R

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

- 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.

- 1
- 2 On page 5, strike lines 1 through 10, inclusive and in their entirety.
- 3
- 4 On page 5, strike lines 16 through 18, inclusive and in their entirety.
- 5
- 6 On page 5, in line 19, after "SUBTITLE," insert "AS DEFINED IN THE STATE OPEN MEETINGS ACT.".
- 7
- 8 On page 5, strike lines 23 through 31, inclusive and in their entirety.
- 9
- 10 On page 6, strike lines 1 through 30, inclusive and in their entirety.
- 11
- 12 On page 7, strike lines 1 through 2, inclusive and in their entirety.
- 13
- 14 On page 16, in line 16, strike "OFFICE" and substitute "COUNTY".
- 15
- 16 On page 25, strike lines 14 through 30, inclusive and in their entirety.
- 17
- 18 On page 26, strike lines 1 through 3, inclusive and in their entirety.
- 19
- 20 On page 26, strike lines 13 through 30, inclusive and in their entirety.
- 21
- 22 On page 27, strike lines 1 through 10, inclusive and in their entirety.
- 23
- 24 On page 27, in line 12, strike "3" and substitute "2".
- 25
- 26 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".

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 Strike "or is about to occur" in the following instances:

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

Sayers, Margery

From: Sigaty, Mary Kay
Sent: Monday, February 09, 2015 9:03 AM
To: Feldmark, Jessica
Subject: Fwd: AACHC's Human Rights Group--CB4-2015 (Office of Human Rights Reorganization)
Attachments: Political -- Proposed Re-Organization Bill of Office of Human Rights(CB4-2015).pdf; ATT00001.htm

For CB4-2015 file.

Mary Kay Sigaty
 Howard County Council, District 4
 3430 Court House Drive
 Ellicott City, MD 21043
 410-313-2001

Begin forwarded message:

From: African American Coalition of Howard County <AACHC@Comcast.net>
Date: February 6, 2015 at 1:02:00 PM EST
To: Altwerger Bess Reader <bess_altwerger@hcpss.org>, <ann_delacy@hcpss.org>, <boe@hcpss.org>, <cynthia_vaillancourt@hcpss.org>, <ellen_giles@hcpss.org>, <janet_siddiqui@hcpss.org>, Mikulis Patrick B Reader <student_member@hcpss.org>, O'Connor Christine Reader <christine_oconnor@hcpss.org>, <sandra_french@hcpss.org>, Ball Calvin Reader <cball@howardcountymd.gov>, <gfox@howardcountymd.gov>, <jterrasa@howardcountymd.gov>, <mksigaty@howardcountymd.gov>, "Weinstein John Reader" <jweinstein@howardcountymd.gov>, Delegate Atterbeary Vanessa Reader <vanessa.atterbeary@house.state.md.us>, Delegate Ebersole Eric Reader <eric.ebersole@house.state.md.us>, Delegate Flannagan Bob Reader <bob.flanagan@house.state.md.us>, Delegate Hill Terri Reader <terri.hill@house.state.md.us>, Delegate Kittleman Trent Reader <trent.kittleman@house.state.md.us>, Delegate Lam Clarence Reader <clarence.lam@house.state.md.us>, Delegate Miller Warren Reader <warren.miller@house.state.md.us>, Delegate Pendergrass Shane Reader <shane.pendergrass@house.state.md.us>, "Delegate Turner Frank S. Reader" <frank.turner@house.state.md.us>, Senator Bates Gail Reader <gail.bates@senate.state.md.us>, Senator Edward Kasemeyer Reader <edward.kasemeyer@senate.state.md.us>, Senator Guzzone Guy Reader <guy.guzzone@senate.state.md.us>
Cc: Community <AACHCCommunity@Comcast.net>, <showell@comcast.net>, <ojise1952@aol.com>, <Anthony@Starflightenterprises.com>
Subject: AACHC's Human Rights Group--CB4-2015 (Office of Human Rights Reorganization)

Major human right's achievements have occurred in Howard County over the years—especially with the advent of Columbia Maryland. Yet human rights remains a crucial issue in Howard County today and throughout America. This not only pertains to the criminal justice system, but to issues facing a broad range of Howard County demographic groups. County Executive Kittleman is proposing a re-organization of the current Office of Human Rights. Given the latter action, the African American Coalition of Howard County (*AAHCH*) will be holding a meeting this coming **Wednesday, February 11 a 1pm**. The meeting will be held at:

St. John Baptist Church
9055 Tamar Drive
Columbia, Maryland 21045.

AACHC's *Human Rights Group's* goal is to examine and analyze the County Executive's "propose changes" to the Office of Human Rights toward ensuring that Howard County retains an "sustainability and effective human rights infrastructure." Please consider the critical nature of human rights today and join us

Pls contact: Sherman Howell, (301) 596-5240 if you have additional questions.

Summary of propose changes relating to Re- Organization of Office of Human Rights/Council Bill 4; see above for a copy of the full BillCounty Council Hearing on the Bill (CB\$-2015) is set for **February 17, 7:30**, George Howard Building.

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.

=====
=====

Sherman Howell, VP
African American Coalition of Howard County

Sayers, Margery

From: Clay, Mary
Sent: Thursday, February 05, 2015 5:51 PM
To: Feldmark, Jessica
Subject: FW: Council Bill 4-2015

Correspondence regarding Council bill 4-2015.

Mary T. Clay | Special Assistant to Mary Kay Sigaty
Howard County Council, District 4
3430 Court House Drive | Ellicott City, MD 21043
Office: 410.313.2001 | Fax: 410.313.3297

From: Genevieve Walker-Lightfoot [<mailto:walkergen@comcast.net>]
Sent: Tuesday, February 03, 2015 3:20 PM
To: Clay, Mary
Subject: Re: Council Bill 4-2015

Thank you!!

Sent from my iPhone 5s
Genevieve E. Walker-Lightfoot, Esq. MBA

Member, Howard County, Maryland Board of Appeals
Chair, Howard County, MD Human Rights Commission
Selected to SuperLawyers-Rising Stars, Maryland 2013
Certified Maryland Court Mediator
The Law Offices of Genevieve E. Walker-Lightfoot, P.C.
Maple Lawn Center
8160 Maple Lawn Blvd.
Suite 200
Fulton, MD 20759
Office: 240-786-4904
Cell: 410-733-5325
Fax: 240-786-4501
Fax: 443-319-5165
www.gewllaw.com
gwalkerlightfoot@gewllaw.com

Follow me on Twitter: @Gewllaw, @GewelEsq, @Gewelmom

On Feb 3, 2015, at 1:31 PM, "Clay, Mary" <mclay@howardcountymd.gov> wrote:

Good afternoon Gen,

I received your voicemail. Here is a link to the webpage for Council Bill 4-2015: <https://apps.howardcountymd.gov/olis/LegislationDetail.aspx?LegislationID=1147>.

Click on "Related Documents" to read the Administration's Explanation for the bill.

Thanks,

Mary

Mary T. Clay | Special Assistant to Mary Kay Sigaty
Howard County Council, District 4
3430 Court House Drive | Ellicott City, MD 21043
Office: 410.313.2001 | Fax: 410.313.3297

Testimony in Opposition to “an Act Reorganizing the Executive Branch of Howard County Maryland Government” (County Council Bill No. 4-2015)

February 16, 2015

TO: Honorable Mary Sigaty, Chair, and members of the Howard County Council, Howard County Maryland

FROM: Sherman Howell, *Vice President Research & Agenda Planning*, African American Coalition of Howard County

Thank you for the opportunity to discuss how changes proposed by the administration—the Howard County Executive (CE)—will negatively impact the work of both the Human Right Commission (HRC) and the Office of Human Rights (OHR) of Howard County. As a community organization, the role of African American Coalition of Howard County (*AACHC*) is to work with the community, the CE, HRC and the OHR in effectively carrying out duties and responsibilities of the HRC and OHR as prescribed by law--toward achieving solutions that ensure broad human rights protections and opportunities. AACHC thus encourages the following considerations with regard to proposed changes to the Howard County human rights structure, i.e., proposed County Council Bill No. 4-2015:

- *that Howard County has and sustain a truly strong human rights infrastructure/organizational structure that will enable the County to investigate, promote and effectively protect human rights in Howard County;*
- *that effective initiatives and programs are available for “informing citizens on practices and patterns of conduct which may be discriminatory,” programs, however, that are not duplicative of what we have in place; and*
- *that the HRC, rather than a proposed Hearing Examiner, retain the role, as is the case today, in managing and processing human rights cases.*

Appointment of the Human Rights Administrator and Executive Secretary to the Human Rights Commission Should Remain a Joint Function of the County Executive and the Human Rights Commission

On the issue of the current organizational structure, or the working relationship between the OHR and HRC, proposed CC Bill 4-2015 changes would have a negative impact on the working relationship between the OHR and HRC. That is, the HRC should retain its role of assisting the County Executive in his role of “appointment of the Human Rights Administrator.”

As well, the OHR/Human Rights Administrator should continue to “serve as the Executive Secretary of the HRC” in contrast to the CE designating an Executive Secretary of the HRC or bringing in a “new” person that’s “not a member of the OHR.”

Better yet, as stated by the HRC: “The designation of an Executive Secretary to the HRC of a person not in the OHR office introduces the possibility of communication issues and could result in complications in the routine operations of the HRC and the development and coordination of the HRC enhanced outreach and education efforts proposed in the bill, which is the second subject we would like to address.”

Human Rights Outreach Initiatives are Already Included in Functions of the Human Rights Commission and thus Should Not Be Duplicated

It is also AACHC’s understanding that CC Bill No. 4-2015 tasks the HRC with “conducting a public information, outreach, and education program to heighten public awareness of discrimination and methods for eliminating discrimination as well as educating the public about the complaint process.” The latter activity, we understand, is “already within the purview of OHR’s mission as specified in the code,” thus not necessitating a change as called for by Bill No. 4-2015.

Determination of Cases to be Investigated Should Remain with the Human Rights Commission and Not Handles by a Newly Hired Hearing Examiner

With regard to a study of “methods to ensure timely and efficient investigations,” Howard County would best be served by doing this by an “independent audit” or by an independent consultant. The latter would also provide better footing on whether the County should hire a Hearing Examiner—the latter being another major focus of Bill No. 4-2015.

Sexual Orientation Definition

Sexual Orientation (SO) meaning identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality, etc. should be updated. AACHC found that Montgomery County Maryland laws has a good definition.

To conclude, human rights, as they say, “are true core American principles.” It is within this context that AACHC sees considerable merit in standing in solidary with the work of the Howard County Human Rights Commission and the Commission’s call for the Howard County Council not to approve the proposed Bill (CC Bill No. 4-2015), and instead, work with the CE, HRC, OHR and the community in developing an effective and sustainable human rights infrastructure.

CB4-2015

Sayers, Margery

From: Sigaty, Mary Kay
Sent: Friday, February 13, 2015 10:14 AM
To: Feldmark, Jessica; Fox, Greg
Subject: FW: Human Rights Commission Amendment

Testimony for CB4-2015.

—
Mary Kay Sigaty
Howard County Council, District 4
(410) 313-2001

3430 Court House Drive
Ellicott City, MD 21043

From: Matthew Thorn [<mailto:matthew.f.thorn@gmail.com>]
Sent: Thursday, February 12, 2015 7:15 PM
To: Weinstein, Jon; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay
Cc: Pruum, Kimberly; McLeod, Kate; Sean McGovern
Subject: Human Rights Commission Amendment

Good evening Council members,

First, I would like to sincerely thank you all for your support of PFLAG Howard County and our concerns over the Human Rights Commission legislation regarding the definitions and language around sexual orientation and gender identity.

I apologize for not reaching you yesterday, it has been a rather hectic week for me at work. I did want to let you and your staffs all know that, per a conversation with the County Executive by one of my colleagues, the administration has issued an amendment to his proposed legislation.

We are comfortable with the amendment proposed and will sign off on it. The Executive's office was very helpful with Sean in correcting the language and willingness to issue the amendment. I know you all were instrumental in moving this process forward. We continue to be grateful for your leadership on this and all issues related to the LGBT community.

If any changes occur I will make sure to keep you informed. Look forward to seeing you all at the hearing on the 17th.

Have a wonderful evening.

-Matt

Matthew F. Thorn
Mobile: 202.200.0153
Email: matthew.f.thorn@gmail.com

C34-2015

Sayers, Margery

From: nixonaudra@yahoo.com
Sent: Monday, March 02, 2015 3:56 PM
To: CouncilMail
Subject: Concerned citizen

To whom it may concern,

I ask that the bill before the County Council that had sought to reorganize the county's Human Rights Commission be tabled.

Audra Nixon
Resident since 2005.

Sent from my iPhone

Sayers, Margery

From: Greta Joseph <alphaville5@verizon.net>
Sent: Monday, March 02, 2015 3:51 PM
To: CouncilMail
Subject: Human Rights Commission

Dear Howard County Council Members,

There have been several proposals for change considered by the council under our new County Executive. Not all have been fully explained. Prior to making a change in the operations of the Human Rights Commission, please pause and allow the new leadership to begin her work and the community to inquire about and understand what situation you hope to remedy or advantage you hope to gain by the proposed change.

Why are you rushing? Please table the vote planned for this evening and hold a community forum to inform citizens and answers our questions.

The inclement weather may make it difficult for many citizens to attend this evening.

If you have a document which may be shared to explain how the old hearing process is now ineffective and the benefits to citizens, who have historically had cases heard by the Howard Co. Human Rights Comm, under the proposed bill, I would like to receive it via email.

Thank you for considering this request.

Greta Joseph
10323 Cromwell Court
Ellicott City 21042
Sent from my iPhone

Sayers, Margery

From: EJ Thompson <aspiringchangecounseling@gmail.com>
Sent: Monday, March 02, 2015 9:57 AM
To: CouncilMail
Subject: Reorganization of the Human Rights Commission.

Hello,

It has been brought to my attention that the new County Executive, Allan Kittleman and his administration is seeking to reorganize the Human Rights Commission.

Currently our Commissioners volunteer their time and resources to ensure the citizens of Howard County are treated fairly and have a voice if they are discriminated against with respect to race, age, gender, etc.

How would reorganization of the Human Rights Commission ensure that this will still take place and what would be the purpose of this reorganization?

I know that the County Council is scheduled to vote on this Bill this evening however I urge you to table this Bill for at least one more month to further assess this change and receive proper feedback from the current Human Rights Commission. Thank you.

Sincerely,

Erica Thompson
Concerned Howard County Resident.

CB 4-2015

Sayers, Margery

From: Larry Walker
Sent: Monday, March 02, 2015 4:01 PM
To: CouncilMail
Subject: Human Rights Commission

Dear Council Members,
Please, please, please put the brakes on any attempt to rush through changes to the Human Rights Commission. A wise person once said "if it ain't broke don't fix it." There is no good reason to implement changes to the commissions structure and function against the will of its members and the community they serve.

Regards,
Lawrence E. Walker, Sr.

--

Larry Walker
Albrance@gmail.com
2725 Millers Way Drive
Ellicott City, MD 21043
443-676-1037

Sayers, Margery

From: Fox, Greg
Sent: Monday, March 02, 2015 7:11 PM
To: Larry Walker; CouncilMail
Subject: RE: Human Rights Commission

Mr. Walker:

A wise man once said, "look before you leap". In this case "looking", means reading the resolution so that you are aware of what you are talking about. It is unfortunate that someone such as yourself that claims to care about Human Rights feels that certain definitions in which we received testimony about the need for updating can wait. Basically, those that testified said definitions "were broke" and "to fix them". The resolution also updates an number of outdated provisions that are long over due (note: The resolution and its prefiled amendments can be found here...

<https://apps.howardcountymd.gov/olis/LegislationDetail.aspx?LegislationID=1147>)

As it relates to the changes in the structure of the commission, the resolution only asks per Section 2 the following "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:" It goes on to list the things to be reviewed so decisions about the Commission's structure can be made.

I personally don't believe this step is even needed if the County Executive believes it should be changed based off of feedback he received that indicates the structure is likely broken....as justice delayed is justice denied. He is doing this to be inclusive despite having already had this discussion with a number of folks including the chair of the commission. The chair was previously quoted as supporting the potential changes in the paper back in December...two months before the bill was filed.

While I am sure there will be plenty of real reasons to get your dander up over the next few years, don't jump off the bridge just because they told you to.

Finally, if you can let me know where you received this misinformation, I will gladly help you get to the bottom of it.

Best Regards,

Greg Fox

From: Lawrence Walker [albrance@gmail.com]
Sent: Monday, March 02, 2015 4:00 PM
To: CouncilMail
Subject: Human Rights Commission

Dear Council Members,
Please, please, please put the brakes on any attempt to rush through changes to the Human Rights Commission. A wise person once said "if it ain't broke don't fix it." There is no good reason to implement changes to the commissions structure and function against the will of its members and the community they serve.

Regards,
Lawrence E. Walker, Sr.

--
Larry Walker

Albrance@gmail.com
2725 Millers Way Drive
Ellicott City, MD 21043
443-676-1037

Sayers, Margery

From: Sachs, Steve <Steve.Sachs@willis.com>
Sent: Monday, March 02, 2015 3:11 PM
To: CouncilMail
Cc: Sigaty, Mary Kay
Subject: Office of Human Rights

Importance: High

Members of the Council:

I am writing to you to provide some background on the recommendations that the Office of Human Rights Transition team made to County Executive Kittleman. Alice Giles chaired that committee and I was a member of it.

All of our interviews were based upon "having a discussion" so that we could listen and learn more about the Office, and its strengths and possible opportunities for improvement. In preparation for those meeting, we reviewed materials on the Office Of Human Rights site as well as to review the recent Annual Reports published by the Office of Human Rights.

We met with Dr. Vernon Grey and he was very open and candid with respect to his role as the director and the responsibilities of the office, as well as his thoughts on the Commission. He discussed the opportunity to do more outreach and Dr. Grey was very complimentary of the staff, especially with respect to Mary Campbell. After meeting with Dr. Grey, Alice and I decided that we should meet with Ms. Campbell and found out that Dr. Grey was absolutely correct. In fact, when Alice had to leave to attend another meeting, I spent almost an additional hour meeting with her. One of her recommendations to us was with respect to the Hearing process, which she felt could be better handled by the County hiring a hearing officer. It was my impression that she also felt that Commission members might have more impact with respect to Outreach efforts. We further discussed outreach and she both advised me and showed me copies of outreach efforts and community forums that were utilized by previous administrations. She believed that they had been very effective.

With both Dr. Grey and Ms. Campbell, Alice and I discussed the need to have more conversations within the diverse communities in Howard County. We all noted that the County had become much more diverse, not only in numbers of minority persons, but in the numbers of

minority populations. I thought that this presented a great opportunity for the County to create forums for healthy “conversations” within our numerous communities before we had a “react to” scenarios as faced in other parts of our country.

With respect to hiring a Hearing Officer, I initially wrote to Alice that I did not think that it made sense given the County’s financial challenges in FY 2015 and FY 2016. However, I was also on the legal transition team and to my surprise, Margaret Ann Nolan from the Office of Law made the very same recommendation to that Committee, Chaired by Michael Davis. That helped me to change my mind with respect to what might best serve the County and the parties involved in a dispute.

I am saddened that the communication of our efforts has been lost in the present situation that you have been and are facing. If it would be helpful for the Council to question me on the process or the interview, I have notes and would be glad to sit down with you. I truly believe that there are wonderful opportunities for the Office of Human Rights and The Commission on Human Rights to continue to do their good work and find ways to create even greater impact within Howard County.

Respectfully submitted,

Steven Sachs

2811 English Bond Court

Woodstock, Md. 21163

Cc: Mary Kay Sigaty, Council Chair

For information pertaining to Willis' email confidentiality and monitoring policy, usage restrictions, or for specific company registration and regulatory status information, please visit http://www.willis.com/email_trailer.aspx

We are now able to offer our clients an encrypted email capability for secure communication purposes. If you wish to take advantage of this service or learn more about it, please let me know or contact your Client Advocate for full details. ~W67897

Sayers, Margery

From: goolaniran@aol.com
Sent: Monday, March 02, 2015 9:56 AM
To: CouncilMail
Subject: County Executive-Human Rights Commission Reorganization Questioned

To All interested and concerned,

I am a resident of Howard County Maryland. My husband and I have lived in this county for over twenty years. My children attend Howard County Public Schools.

I am extremely concerned about our County Executive's attempt to reorganize the Human Right Commission. The Bill introduced to the County Council which could change which the type of cases that could be brought to the Commissioners, among other things.

It is my understanding that this issue is up for vote tonight.

In order to to ensure that all citizens of Howard County are treated fairly and have a voice if they are discriminated against with respect to race, age, gender, etc., I strongly urge, you to table this *Bill* for at least a month.

While there is always room for improvement, there is no need to totally reorganize or gut the code of the Human Rights Commission. This suggestion or attempt to make such changes without complete and through transparency and input from the citizens of Howard County brings into question the authenticity and orgin of your true intentions.

You should know that this issue will not go away under the radar, as many, many citizens are only now aware of these pending changes.

Therefore, again, for all concerned I urge you to table this bill and seek the most collaborative way to work with our community and protect the human rights of *all* Howard County citizens.

Sincerely,

Howard County Resident.

Sayers, Margery

From: Spathodia32 <spathodia32@aol.com>
Sent: Monday, March 02, 2015 9:20 AM
To: CouncilMail
Subject: Human Rights Commission

TO: The Howard County Council
FROM: Barbara Peart
SUBJECT: Bill to reorganize Human Rights Commission

I strongly support the request to table the above-mentioned Bill in order to allow further discussion with the Commission.

As a resident of Howard County and a former EEO Officer, I am alarmed and disappointed that a Bill affecting the process for addressing Human Rights issues in our County would have been apparently developed in such an undemocratic manner.

It is my hope that the matter can be resolved in a manner that is reflective of our County's values regarding Human Rights.

Thank you.

Barbara Peart - Arnold
Town Center Resident

410-997-1909

CB4-2015

Sayers, Margery

From: Towanda Brown <ttbrown@verizon.net>
Sent: Monday, March 02, 2015 8:53 AM
To: CouncilMail
Subject: Tabling of bill regarding the Human Rights Commission

Good morning Council,

As a citizen of Howard County, I am writing to you requesting that the bill regarding the Human Rights Commission be tabled until all parties, that need to work together, are given the opportunity to do so.

The manner in which things were done will end up being detrimental to those of us who are residents or citizens who are employed in Howard County who may have a complaint. There seems to be a huge communication issue that needs to be addressed immediately between the Human Rights Commission and our new County Executive.

I do hope that the vote that is to be conducted tonight is indeed delayed.

Sincerely,
Towanda Brown

Sent from my iPhone

Sayers, Margery

From: Vincent Thomas <veetee167@yahoo.com>
Sent: Monday, March 02, 2015 8:27 AM
To: CouncilMail
Subject: Human Rights Commission Reorganization

Good morning.

I grew up in Columbia, MD and I have been a long time resident of this community.

I have always found the Howard County government to be responsive, fair and even-handed.

However, the news about amending the responsibilities of the county's Human Rights Commission troubles me. I do not want to think that the Kittleman administration is ushering in a new era of policies that appear to be counter productive to the tenets on which the county was founded.

So I am asking this honorable County Council to table the vote on this bill for at least 30 days. This will allow the Human Rights Commission to work with the newly appointed administrator and community to ensure that they can continue to protect the human rights of Howard County citizens.

Thank you,

Vincent Thomas
6586 Waning Moon Way
Columbia, MD 21045

Habicht, Kelli

From: Feldmark, Jessica
Sent: Tuesday, February 17, 2015 3:48 PM
To: Habicht, Kelli; Hammond, Patricia; Harold, Lisa; Hightower, Rozonna; Respass, Charity
Cc: Sayers, Margery; Beach, Meredith
Subject: FW: Council Bill No. 4
Attachments: Am CB 4 (definitions).doc; CB4-2015 (amendments incorporated).doc; Am CB 4 (striking).doc

I'm assuming folks probably got these directly from member email, but just in case, please make sure attachments are included in legislative books/iPads.

Thanks,
Jess

Jessica Feldmark
Administrator
Howard County Council
410-313-3111
jfeldmark@howardcountymd.gov

From: Sager, Jennifer
Sent: Saturday, February 14, 2015 4:32 PM
To: Sigaty, Mary Kay
Cc: Terrasa, Jen; Ball, Calvin B; Fox, Greg; Weinstein, Jon; Feldmark, Jessica; Siddiqui, Jahantab; Schrader, Sandy; Robbins, Lonnie; Wilson, B Diane
Subject: Council Bill No. 4

Attached are 2 amendments that the Administration is filing to CB 4-2014.

One amendment changes a definition.
One amendment strikes various parts of the bill and makes minor technical corrections.

Please accept these as "filed" amendments and please disregard the draft amendments sent earlier in the week.

Also attached is an "enrolled" bill with the 2 amendments incorporated for your use.

Let me know if you have any questions.

Jen Sager

Testimony in Opposition to “an Act Reorganizing the Executive Branch of Howard County Maryland Government” (County Council Bill No. 4-2015)

February 17, 2015

TO: Honorable Mary Sigaty, Chair, and members of the Howard County Council, Howard County Maryland

FROM: Sherman Howell, *Vice President Research & Agenda Planning*, African American Coalition of Howard County

Thank you for the opportunity to discuss how changes proposed by the administration—the Howard County Executive (CE)—will negatively impact the work of both the Human Right Commission (HRC) and the Office of Human Rights (OHR) of Howard County. As a community organization, the role of African American Coalition of Howard County (AACHC) is to work with the community, the CE, HRC and the OHR in effectively carrying out duties and responsibilities of the HRC and OHR as prescribed by law--toward achieving solutions that ensure broad human rights protections and opportunities. AACHC thus encourages the following considerations with regard to proposed changes to the Howard County human rights structure, i.e., proposed County Council Bill No. 4-2015:

- *that Howard County has and sustain a truly strong human rights infrastructure that will enable the County to investigate, promote and effectively protect human rights in Howard County;*
- *that effective initiatives and programs are available for “informing citizens on practices and patterns of conduct which may be discriminatory,” programs, however, that are not duplicative of what we have in place; and*
- *that the HRC, rather than a proposed Hearing Examiner, retain the role, as is the case today, in managing and processing human rights cases.*

On the issue of the current organizational structure, or the working relationship between the OHR and HRC, proposed CC Bill 4-2015 changes would have a negative impact on the working relationship between the OHR and HRC. That is, the HRC should retain its role of assisting the County Executive in his role of “appointment of the Human Rights Administrator.”

As well, the OHR/Human Rights Administrator should continue to “serve as the Executive Secretary of the HRC” in contrast to the CE designating an Executive Secretary of the HRC or bringing in a “new” person that’s “not a member of the OHR.”

Better yet, as stated by the HRC: “The designation of an Executive Secretary to the HRC of a person not in the OHR office introduces the possibility of communication issues and could

result in complications in the routine operations of the HRC and the development and coordination of the HRC enhanced outreach and education efforts proposed in the bill, which is the second subject we would like to address.”

It is also *AACHC*'s understanding that CC Bill No. 4-2015 tasks the HRC with “conducting a public information, outreach, and education program to heighten public awareness of discrimination and methods for eliminating discrimination as well as educating the public about the complaint process.” The latter activity, we understand, is “already within the purview of OHR’s mission as specified in the code,” thus not necessitating a change as called for by Bill No. 4-2015.

With regard to a study of “methods to ensure timely and efficient investigations,” Howard County would best be served by doing this by an “independent audit” or by an independent consultant. The latter would also provide better footing on whether the County should hire a Hearing Examiner—the latter being another major focus of Bill No. 4-2015.

To conclude, human rights, as they say, “are true core American principles.” It is within this context that *AACHC* sees considerable merit in standing in solidarity with the work of the Howard County Human Rights Commission and the Commission’s call for the Howard County Council *not* to approve the proposed Bill (*CC Bill No. 4-2015*), and instead, work with the CE, HRC, OHR and the community in developing an effective and sustainable human rights infrastructure.

Amendment ____ to Council Bill No. 4-2015

**BY: The Chairperson at the
request of the County Executive**

**Legislative Day No.
Date: _____, 2015**

Amendment No. ____

(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".

Amendment ____ to Council Bill No. 4-2015

BY: The Chairperson at the
request of the County Executive

Legislative Day No.
Date: _____, 2015

Amendment No. ____

*(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

- 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 26, 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.

- 1
- 2 On page 5, strike lines 1 through 10, inclusive and in their entirety.
- 3
- 4 On page 5, strike lines 16 through 18, inclusive and in their entirety.
- 5
- 6 On page 5, in line 19, after "SUBTITLE," insert "AS DEFINED IN THE STATE OPEN MEETINGS ACT."
- 7
- 8 On page 5, strike lines 23 through 31, inclusive and in their entirety.
- 9
- 10 On page 6, strike lines 1 through 30, inclusive and in their entirety.
- 11
- 12 On page 7, strike lines 1 through 2, inclusive and in their entirety.
- 13
- 14 On page 16, in line 16, strike "OFFICE" and substitute "COUNTY".
- 15
- 16 On page 25, strike lines 14 through 30, inclusive and in their entirety.
- 17
- 18 On page 26, strike lines 1 through 3, inclusive and in their entirety.
- 19
- 20 On page 26, strike lines 13 through 30, inclusive and in their entirety.
- 21
- 22 On page 27, strike lines 1 through 10, inclusive and in their entirety.
- 23
- 24 On page 27, in line 12, strike "3" and substitute "2".
- 25
- 26 On page 27, in line 19, strike "4" and substitute "3".

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.
29
30

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:*

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

- b. *At least one alternative should propose the use of a Hearing Examiner to hear cases where the Office finds that reasonable cause exists for a complaint; and*
 - c. *The plan shall describe the perceived advantages and disadvantages of each alternative;*
5. *Include specific goals to implement the Commission's duties with specific attention to recommendations related to education and outreach responsibilities;*
 6. *Include other proposed legislative changes; and*
 7. *Be submitted to the County Executive on or before September 1, 2015.*

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

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



Howard County

Internal Memorandum

Subject: Testimony on Council Bill No. 4-2015; a Bill reorganizing the Executive Branch to revise the duties and responsibilities of the Human Rights Commission

To: Mary Kay Sigaty,
Council Chairperson

From: Lonnie R. Robbins,
Chief Administrative Officer

Date: February 17, 2015

The above referenced Council Bill reorganizes the Executive Branch of County Government pursuant to Section 403 of the Howard County Charter. The Bill revises the duties and responsibilities of the Human Rights Commission (HRC). It also sets forth certain changes in the Office of Human Rights (OHR) with respect to the OHR Administrator's role as Executive Secretary of HRC.

The HRC, established in 1979 from the roots of the Civil Rights Commission, has the primary responsibility to ensure that every citizen of Howard County has the right to live in a society free of discrimination. This administration holds the responsibilities of the HRC in the highest regard and wants it to have the authority and tools needed to perform its work effectively. It is for this reason the HRC shall, in conjunction with the OHR, provide a report to the County Executive by September 1, 2015, which analyzes cases that come before the Commission and recommends at least two scenarios in which a Hearing Examiner can be utilized in the adjudication process of OHR cases. Presently, the State of Maryland and 20 jurisdictions within the state use hearing examiners to adjudicate discrimination cases. The administration also requests that this plan include thorough data on the processing of previous cases, recommendations for time limits on



Howard County

Internal Memorandum

the investigatory process and from complaint filing to the case's administrative disposition, and the desired level of legal training HRC members must obtain. CB 4 will also separate the powers of OHR and HRC by striking the mandatory role the OHR Administrator plays as the Executive Secretary of the HRC.

The Strategic Plan will include ways in which the HRC can play a greater role in education and awareness initiatives in the community and in building partnerships with other county agencies, boards, and commissions that address human rights issues. The administration believes that the exploration of such a reorganization will be beneficial in ensuring that a process is formed that responds to the dynamic needs of Howard County residents and the complexities of civil rights law. The HRC requires the ability to work with other organizations in order to be able to adapt to current events that constantly shift the landscape of human rights in Howard County. This administration believes that this reorganization will facilitate the work of the HRC and OHR and improve the outcomes for county residents.

This legislation differs slightly from the reorganization letter submitted to you on December 22, 2014. That letter outlined a process whereby the HRC would hear cases for which the Office found no reasonable cause and a hearing examiner would hear reasonable cause cases. After listening to concerns raised by members of the HRC, this legislation tasks the Commission with further study and recommendations as to the best practices on the use of a hearing examiner. We are excited to work with the members of the HRC as we move forward on this issue.

I will present this legislation at the public hearing and will be available to answer any questions you may have.



Howard County
Internal Memorandum

Fiscal Impact

The Administration anticipates that this Bill will have nominal, if any, fiscal impact.

Cc: Jon Weinstein, Council Vice-Chairperson
Calvin Ball, Councilperson
Greg Fox, Councilperson
Jennifer Terrasa, Councilperson
Jessica Feldmark, Administrator