

HUMAN RELATIONS COMMISSION

RULES OF PROCEDURE

I. Definitions. (Ref. § 3-5A-201)

In these Rules, the following words have the meaning indicated.

(a) “Commission” means the Human Relations Commission.

(b) (1) “Serve” means to:

(i) email, with a request for a read receipt, a copy of a document to the parties when email addresses are available; and

(ii) mail a copy of the document to the parties by first class mail, postage prepaid; or

(iii) with respect to the Commission's duty to serve the complaint on the respondent under § 3-5A-203(c) of the County Code, deliver the complaint in accordance with Maryland Rule 2-121 (personal service).

(2) *Upon agreement of all parties, any communications and documents required to be served may be sent solely through email with a request for a read receipt.*

II. Hearings without the filing of a complaint. (Ref. 3-5A-202)

The Commission may hold hearings regarding alleged discrimination in housing in the County that is reported to or otherwise discovered by the Commission but that is not the subject matter of a complaint filed with the Commission to gather facts and make nonbinding recommendations to appropriate persons or agencies.

III. Complaints alleging discrimination in housing. (Ref. § 3-5A-203)

1. A complaint filed with the Commission alleging discrimination in housing shall include the name, address, telephone number, and email address of the complainant; the name, address, and, if known, the telephone number and email address of the respondent; and a concise statement of the facts.

2. The complaint shall be filed no later than the later of six months after the alleged violation occurs or six months after the complainant discovers the alleged violation.

3. After a review of the allegations, the Commission may, at its discretion, invite the parties to informally resolve the complainant’s concerns.

4. If the parties do not reach an informal resolution, or no response is received within 14 calendar days of the invitation, the formal complaint process will be initiated.

IV. Initial review of the complaint. (Ref. § 3-5A-204)

1. Within 14 days after filing of a complaint, the Human Relations Officer shall review the complaint to determine whether the facts, as alleged, are sufficient to support a claim for discrimination in housing.

2. The Human Relations Officer may dismiss the complaint in writing, setting forth the reason for the dismissal and a description of the process to seek reconsideration, and serving a copy of the dismissal on the parties if:

(a) the Human Relations Officer determines that the facts alleged in the complaint have been adjudicated by a State or federal agency or tribunal with jurisdiction over the facts alleged in the complaint, or a complaint alleging the same facts is pending in a State or federal agency or tribunal with jurisdiction over the allegations;

(b) the Human Relations Officer determines that the facts, as alleged, would be insufficient to establish discrimination in housing; or

(c) the Human Relations Officer determines that the complaint is not subject to the jurisdiction of the Commission because it is not timely or because the alleged discrimination did not occur in the County.

3. The complainant may request reconsideration of a dismissal by sending a letter by first class mail, postage prepaid, to the Chair of the Commission within 15 days after the date that the dismissal was served on the complainant. The letter shall state the reasons why the complainant disagrees with the dismissal.

4. If, in response to a request for reconsideration, the voting members of the Commission determine that the facts alleged would be sufficient to establish discrimination in housing and the complaint should not have been dismissed, the Chair shall reinstate the complaint by letter and serve the letter on the complainant.

5. If, in response to a request for reconsideration, the voting members of the Commission determine that the facts alleged would be insufficient to establish discrimination in housing and the complaint should have been dismissed, the Chair shall uphold the dismissal by the Human Relations Officer by letter and serve the letter on the complainant.

6. If the Human Relations Officer determines that the facts alleged would be sufficient to establish discrimination in housing, the Chair of the Commission shall serve a copy of the complaint on the respondent.

7. Within 30 days after receiving the complaint, the respondent may file an answer to the

complaint, including any information that the respondent believes may be relevant to the allegations in the complaint.

8. The complainant may amend the complaint at any time but no later than 30 days before a scheduled hearing date, and shall file a copy of the amended complaint on the respondent. The respondent may file an answer to the amended complaint within 10 days after receiving the amended complaint.

9. The complainant may withdraw or settle the complaint at any time.

10. The parties may be represented by attorneys in proceedings before the Commission.

V. Investigation

1. Within 30 days of the filing of the complaint, the Human Relations Officer may initiate an investigation into the allegations in the complaint; the investigation must be completed within 90 days after receipt of the Complaint, unless an extension is granted by the Commission.

2. The Answer, and any accompanying documents, along with any additional evidence obtained in the investigation, shall be included in an investigative report presented by the Human Relations Officer to the Commission. The investigative report shall be submitted to the Commission within 60 days after an Answer is filed by the Respondent, or if no Answer is filed, within 90 days after the Complaint is received by the Respondent, unless an extension is granted by the Commission.

3. The Chair of the Commission shall notify the Complainant and Respondent of the date on which the investigative report shall be presented to the Commission. The notification may include a proposed cure for the alleged violation.

VI. Pre-hearing resolution. (Ref. § 3-5A-205)

1. If the facts alleged are sufficient to support a claim for discrimination in housing and that matter is proceeding to hearing, the Human Relations Officer or a member of the Commission may request that the parties meet with designated Commission members to discuss a resolution of the allegations contained in the complaint.

2. The Chair of the Commission shall appoint one or more members of the Commission to conduct the meeting.

3. If the parties agree to a resolution of the allegations at the meeting, the agreement shall be reduced to a contract signed by the complainant and the respondent. If the parties do not agree to a resolution of the allegations at the meeting, the Commission shall hold a hearing on the complaint.

VII. Hearing. (Ref. § 3-5A-206)

1. The Chair of the Commission shall appoint at least three members who did not participate in a pre-hearing meeting under to serve as the hearing panel for a hearing on the complaint.

2. The Chair shall serve a notice of the date, time, and place of the hearing on the parties at least 15 days prior to the date of hearing.

3. Prior to the hearing, at the request of the Commission or a party, the Human Relations Officer may issue, one or more subpoenas pursuant to § 1-2-101 of the County Code. Requests for subpoenas must be made to the Human Relations Officer at least ten calendar days before a scheduled hearing. The cost of issuing and serving a subpoena will be borne by the requesting party. If a timely objection is filed in response to a subpoena, it shall be presented for ruling by the Chair of the Commission before the hearing, and it may result in a postponement of the hearing.

4. At least ten calendar days before a scheduled hearing, each party shall file with the Human Relations Officer (and serve on all other parties) a Pre-Hearing Submission, which shall include the following:

- (a) a list of all non-rebuttal witnesses expected to be called to testify by the party;
- (b) pre-marked copies of any documents expected to be introduced as evidence by the party;
- (c) a concise summary statement of the facts as alleged by the party; and
- (d) reference to any provisions of law controlling in the matter.

5. At least five business days before the scheduled hearing, a party may request a postponement of the hearing with the Human Relations Officer, with copies to the other parties, and including a description of good cause for the postponement. The Commission may postpone a hearing on its own initiative.

6. At the hearing, the Human Relations Officer shall administer the oath to each witness in accordance with § 1-2-102 of the County Code.

7. The hearing shall begin with the Human Relations Officer summarizing the facts alleged in the complaint and stating the reasons that the Human Relations Officer determined that the facts alleged in the complaint were sufficient to state a claim for discrimination in housing.

8. Thereafter, the complainant may present any additional evidence in support of the complaint, and the respondents may present witnesses and evidence in opposition of the facts alleged in the complaint.

9. Witnesses may be cross-examined and subject to redirect questioning. Commission

members on the hearing panel and the Human Relations Officer may question witnesses after cross-examination and redirect questioning.

10. The Commission shall consider all relevant evidence to determine whether the respondent has engaged in one or more acts of discrimination in housing. The formal rules of evidence do not apply, but incompetent, immaterial, or unduly repetitious evidence may be excluded. Documentary evidence may be received in the form of copies or excerpts. A copy of each document entered into evidence shall be made for each member of the panel and each party. Rebuttal evidence may be admissible, but evidence raising issues not raised in the complaining party's case is not permitted.

11. The burden of proof shall be on the complainant and the burden of persuasion shall be by a preponderance of the evidence.

12. At the conclusion of the presentation of all evidence, each party shall be permitted to make a brief closing statement.

13. A hearing shall be open to the public, but may be closed in accordance with § 10-508 of the State Government Article of the State Code (the "Maryland Open Meetings Act").

VIII. Decision and order. (Ref. § 3-5A-207)

1. If, after a hearing, the Commission finds that the respondent has not engaged in an act of discrimination in housing, then, within 60 days after the date of the hearing, the Commission shall issue a written decision and order, stating its findings of fact and conclusions of law and ordering the dismissal of the complaint. The Commission shall serve a copy of the dismissal on the parties.

2. If, after a hearing, the Commission finds that the respondent has committed one or more acts of discrimination in housing, then, within 60 days after the date of the hearing, the Commission shall issue a written decision stating its findings of fact and conclusions of law and order any or all of the following:

(a) to cease and desist from discriminating in housing;

(b) the respondent to sell or rent property to the complainant;

(c) that the violation is a Class A civil offense punishable by a civil fine as provided by § 9-2-101 of the County Code; or

(d) anti-discrimination training approved by the Commission.

3. The Commission shall serve a copy of the decision and order on the parties.

4. If the time for an appeal to the Board of Appeals has expired and no appeal was taken

under § 3-5A-208 of the County Code, the Commission, through the Office of Law, may file a petition in the Circuit Court for Anne Arundel County to enforce an order issued under this section.

IX. Appeals. (Ref. 3-5A-208)

1. An appeal of the decision and order of the Commission shall be to the County Board of Appeals in accordance with § 602 of the Charter and the applicable provisions of the County Code.

2. A person may seek judicial review of the decision of the County Board of Appeals in accordance with the Maryland Rules.