

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 6

Bill No. 21-24

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

By the County Council, March 18, 2024

Introduced and first read on March 18, 2024
Public Hearing set for and held on April 15, 2024
Bill Expires June 21, 2024

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: General Provisions – Equity and Human Rights – Boards,
2 Commissions, and Similar Bodies – Human Relations Commission

3
4 FOR the purpose of providing a method of enforcing an administrative subpoena; defining
5 certain terms relating to equity and human rights and the Human Relations
6 Commission; stating the public policy and purpose for anti-discrimination provisions;
7 providing for preemption of certain discrimination complaints; providing for
8 enforcement of violations of anti-discrimination provisions; adding protections against
9 discrimination in public accommodations and employment; revising certain
10 requirements for membership on the Human Relations Commission; modifying the
11 powers and duties of the Human Relations Officer; modifying the powers and duties of
12 the Human Relations Commission to include complaints regarding discrimination in
13 employment and public accommodations; and requiring an annual report by the Human
14 Relations Commission; modifying the time for filing of a complaint alleging
15 discrimination; providing for the process and time for filing of an answer to a complaint
16 of discrimination; modifying the process for initial review of a complaint of
17 discrimination; establishing a process for investigation, referral, and hearings on
18 complaints for discrimination; requiring the rules of procedure of the Human Relations
19 Commission to be posted its website; providing for civil fines for violations of anti-
20 discrimination provisions; providing for enforcement of orders issued by the Human
21 Relations Commission; and generally relating to general provisions and boards,
22 commissions, and similar bodies.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 BY repealing: §§ 1-2-101(d); and 1-9-102
2 Anne Arundel County Code (2005, as amended)

3
4 BY renumbering: §§ 1-9-103 through 1-9-105, respectively, to be 1-9-201 through 1-9-
5 203, respectively, under the new subtitle “Subtitle 2. Housing”; 1-9-106 to be 1-9-103;
6 and 3-5A-206 through 3-5A-208 to be 3-5A-207 through 3-5A-209, respectively
7 Anne Arundel County Code (2005, as amended)

8
9 BY adding: §§ 1-2-101(d); 1-9-102; 1-9-301 to be under the new subtitle “Subtitle 3. Public
10 Accommodation”; 1-9-401 to be under the new subtitle “Subtitle 4. Employment”; 3-
11 5A-108(c); 3-5A-109; 3-5A-110; 3-5A-203(f) and (g); 3-5A-206; 3-5-207(f)
12 Anne Arundel County Code (2005, as amended)

13
14 BY repealing and reenacting, with amendments: §§ 1-9-101 and 1-9-103 to be under the
15 new subtitle “Subtitle 1. General Provisions” and the amended title “Title 9. Equity and
16 Human Rights”; 3-5A-103(a) and (b); 3-5A-108(a)(1), (2), (7), and (9); 3-5A-202(a);
17 3-5A-203(a) and (b); 3-5A-204(a), (b), and (d); 3-5A-207(d); and 3-5A-208
18 Anne Arundel County Code (2005, as amended)
19 (as enacted by Section 2 of this Ordinance)

20
21 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
22 *That §§ 1-2-101(d) and 1-9-102 of the Anne Arundel County Code (2005, as amended) are*
23 *hereby repealed.*

24
25 SECTION 2. *And be it further enacted,* That §§ 1-9-103 through 1-9-105; 1-9-106; and
26 3-5A-206 through 3-5A-208, respectively, of the Anne Arundel County Code (2005, as
27 amended) are hereby renumbered to be §§ 1-9-201 through 1-9-203 and the subtitle
28 “Subtitle 2. Housing”; 1-9-103; 3-5A-207 through 3-5A-209, respectively.

29
30 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
31 Code (2005, as amended) (as enacted by Section 2 of this Ordinance) read as follows:

32
33 **ARTICLE 1. GENERAL PROVISIONS**

34
35 **TITLE 2. SUBPOENAS AND OATHS**

36
37 **1-2-101. Subpoena powers.**

38
39 **(D) Failure to obey.**

40
41 (1) IN CASE OF FAILURE TO COMPLY WITH A SUBPOENA, THE COMMISSION MAY
42 APPLY TO THE CIRCUIT COURT IN ANY COUNTY FOR AN ORDER REQUIRING THE
43 ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS,
44 RECORDS, AND DOCUMENTS.

45
46 (2) THE COURT MAY ISSUE AN ORDER REQUIRING THE ATTENDANCE AND
47 TESTIMONY OF THE WITNESS AND THE PRODUCTION OF THE BOOKS, PAPERS, RECORDS,
48 ELECTRONICALLY STORED INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY:

1 (I) AFTER NOTICE TO THE PERSON SUBPOENAED AS A WITNESS OR DIRECTED
2 TO PRODUCE BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED INFORMATION,
3 DOCUMENTS, AND TANGIBLE PROPERTY; AND
4

5 (II) ON A FINDING THAT THE ATTENDANCE AND TESTIMONY OF THE WITNESS
6 OR THE PRODUCTION OF THE BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED
7 INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY IS RELEVANT OR NECESSARY FOR
8 THE PROCEEDINGS OF THE COMMISSION.
9

10 (3) AN ORDER ISSUED BY THE COURT UNDER THIS SUBSECTION SHALL BE SERVED
11 ON THE PERSON TO WHOM IT IS DIRECTED BY THE SHERIFF OR DEPUTY SHERIFF OF THE
12 COUNTY WHERE THE RESIDENCE OR MAIN OFFICE OF THE PERSON IS LOCATED.
13

14 (4) A FAILURE TO OBEY AN ORDER ISSUED BY THE COURT UNDER THIS SUBSECTION
15 MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.
16

17 **TITLE 9. [[FAIR HOUSING]] EQUITY AND HUMAN RIGHTS**

18 **SUBTITLE 1. GENERAL PROVISIONS**

19 **1-9-101. Definitions.**

20
21
22
23 In this title AND IN TITLE 5A OF ARTICLE 3 OF THIS CODE, the following words have the
24 meanings indicated.
25

26 (1) “Discriminate” or “Discrimination” means AN ACT PROHIBITED UNDER THIS
27 TITLE, AND INCLUDES acting, failing to act, or unduly delaying action regarding a person
28 because of [[age, ancestry, citizenship, color, creed, disability, familial status, gender
29 identity or expression, marital status, national origin, occupation, race, religion, sex, sexual
30 orientation, or source of income]] THE PERSON’S MEMBERSHIP IN A PROTECTED CLASS OR
31 ASSOCIATION WITH SOMEONE IN A PROTECTED CLASS in such a way that the person is
32 adversely affected [[in the area of housing]] IN THE TERMS AND CONDITIONS OF
33 EMPLOYMENT, IN HOUSING, OR IN PUBLIC ACCOMMODATIONS. DISCRIMINATION ALSO
34 INCLUDES RETALIATING AGAINST ANY PERSON BECAUSE THAT PERSON LAWFULLY
35 OPPOSED ANY DISCRIMINATORY PRACTICE UNDER THIS TITLE, OR FILED A COMPLAINT,
36 TESTIFIED, ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN INVESTIGATION,
37 PROCEEDING, OR HEARING UNDER THIS TITLE OR SUBTITLE 5A OF ARTICLE 3 OF THIS
38 CODE.
39

40 (2) “Discriminatory restrictive covenant” means a specification limiting the transfer
41 or rental of a dwelling because of the person’s [[age, ancestry, citizenship, color, creed,
42 disability, familial status, gender identity or expression, marital status, national origin,
43 occupation, race, religion, sex, sexual orientation, or source of income]] MEMBERSHIP IN
44 A PROTECTED CLASS.
45

46 (3) “GENDER IDENTITY OR EXPRESSION” MEANS THE GENDER WITH WHICH A
47 PERSON IDENTIFIES, REGARDLESS OF THE SEX ASSIGNED TO THAT PERSON AT BIRTH AND
48 REGARDLESS OF THE PERSON’S PERCEIVED GENDER IDENTITY. PERCEIVED GENDER
49 IDENTITY MEANS THE GENDER WITH WHICH A PERSON IS PERCEIVED TO IDENTIFY BASED
50 ON THAT PERSON’S APPEARANCE, BEHAVIOR, EXPRESSION, OTHER GENDER RELATED
51 CHARACTERISTICS, OR SEX ASSIGNED TO THE PERSON AT BIRTH OR IDENTIFIED IN
52 DOCUMENTS.

1 [[3)] (4) “Housing” means a dwelling unit, including a mobile home, for the use
2 of one or more individuals, groups, or families, and the definition includes the site upon
3 which the dwelling exists and land offered for sale or lease for the construction of a
4 dwelling.
5

6 [[4)] (5) “Protected class” means those persons protected from discrimination
7 based on ACTUAL OR PERCEIVED age, ancestry, citizenship, color, creed, disability, familial
8 status, gender identity or expression, marital status, national origin, occupation, race,
9 religion (subject to the exceptions in State law), sex, sexual orientation, or source of
10 income.
11

12 (6) “PUBLIC ACCOMMODATION” HAS THE MEANING STATED IN § 20-301 OF THE
13 STATE GOVERNMENT ARTICLE OF THE STATE CODE.
14

15 [[5)] (7) “Rent” means to rent, lease, sublease, or otherwise grant for consideration
16 the right to occupy premises not owned by the occupant.
17

18 [[6) “Sexual orientation” means the preference or practice of an individual as to
19 male or female homosexuality, heterosexuality, or bisexuality, or being regarded as having
20 such a preference or practice.]]
21

22 [[7)] (8) (i) “Source of income” means any lawful source of money that is paid
23 to or for the benefit of a buyer or renter of housing, including money from:
24

- 25 1. a lawful profession or occupation;
- 26 2. federal, state, or local government assistance, grant, or loan program;
- 27 3. a gift or inheritance, otherwise legally considered a source of income,
28 provided that a purchase or lease agreement is executed;
- 29 4. a pension or annuity;
- 30 5. alimony or child support;
- 31 6. financial holdings, such as bank ACCOUNTS, [[trust]] TRUSTS, investment
32 accounts, stocks, [[and]] OR bonds; and
33 7. any contract right, sale, or pledge of an interest in property.
34
35

36 (ii) “Source of income” does not include the determination of a person’s ability
37 to pay a purchase price or to pay rent, which is determined by such reasonable and
38 customary standards, SUCH as verification of income and its source, the creditworthiness
39 of the renter or buyer, and the creditworthiness of any source of income.
40

41
42
43
44
45
46 **1-9-102. Public policy and purpose.**
47

48 (A) **Purpose.** DISCRIMINATION BECAUSE OF A PERSON’S MEMBERSHIP IN A
49 PROTECTED CLASS ADVERSELY AFFECTS THE HEALTH, WELFARE, PEACE, AND SAFETY OF
50 THE COMMUNITY. THIS TITLE IS INTENDED TO FOSTER EQUAL OPPORTUNITY FOR ALL

1 WITHOUT REGARD TO A PERSON'S MEMBERSHIP IN A PROTECTED CLASS AND STRICTLY
2 IN ACCORD WITH THEIR INDIVIDUAL MERITS AS HUMAN BEINGS.

3
4 (B) **Intent.** WHILE THE PROHIBITIONS IN THIS TITLE ARE SUBSTANTIALLY SIMILAR TO
5 PROHIBITIONS IN FEDERAL AND STATE LAW, THE INTENT IS THAT THE PROCESS FOR A
6 COMPLAINT FILED FOR A VIOLATION OF THIS TITLE WILL BE MORE ACCESSIBLE AND
7 PROCEED MORE PROMPTLY THAN POSSIBLE UNDER EITHER FEDERAL OR STATE LAW. IT IS
8 NOT INTENDED TO BE A DUPLICATIVE OR CUMULATIVE PROCESS, AND, ONCE A
9 COMPLAINT IS FILED UNDER A SIMILAR OR IDENTICAL FEDERAL OR STATE LAW, THE
10 COMPLAINT FILED UNDER THIS TITLE MAY NOT PROCEED IF THE EFFECT IS DUPLICATIVE
11 OR CUMULATIVE.

12 13 **1-9-103. Violations.**

14
15 A violation of this title [[is a Class A civil offense and may result in the imposition of
16 fines or penalties not exceeding those provided in § 9-2-101 of this Code]] MAY BE
17 PRESENTED TO THE HUMAN RELATIONS COMMISSION AND SHALL BE INITIATED,
18 INVESTIGATED, AND ADJUDICATED, SANCTIONED, OR OTHERWISE RESOLVED PURSUANT
19 TO THE PROVISIONS OF TITLE 5A OF ARTICLE 3 OF THIS CODE.

20 21 **SUBTITLE 3. PUBLIC ACCOMMODATION**

22 23 **1-9-301. Discrimination in public accommodations.**

24
25 AN OWNER OR OPERATOR OF A PLACE OF PUBLIC ACCOMMODATION, OR THEIR AGENT
26 OR EMPLOYEE, MAY NOT DISCRIMINATE IN THE PROVISION OF THE ACCOMMODATIONS,
27 ADVANTAGES, FACILITIES, OR PRIVILEGES OF A PLACE OF PUBLIC ACCOMMODATION.

28 29 **SUBTITLE 4. EMPLOYMENT**

30 31 **1-9-401. Discrimination in employment.**

32
33 (A) **Prohibitions.** AN EMPLOYER MAY NOT:

34
35 (1) FAIL OR REFUSE TO HIRE, DISCHARGE, OR OTHERWISE DISCRIMINATE AGAINST
36 AN INDIVIDUAL WITH RESPECT TO COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES
37 OF EMPLOYMENT OF THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL'S:

38
39 (I) MEMBERSHIP IN A PROTECTED CLASS; OR

40
41 (II) REFUSAL TO SUBMIT TO A GENETIC TEST OR MAKE AVAILABLE THE
42 RESULTS OF A GENETIC TEST;

43
44 (2) LIMIT, SEGREGATE, OR CLASSIFY ITS EMPLOYEES OR APPLICANTS FOR
45 EMPLOYMENT IN ANY WAY THAT WOULD DEPRIVE OR TEND TO DEPRIVE AN INDIVIDUAL
46 OF EMPLOYMENT OPPORTUNITIES OR OTHERWISE ADVERSELY AFFECT THE STATUS OF
47 THE INDIVIDUAL AS AN EMPLOYEE BECAUSE OF THE INDIVIDUAL'S:

48
49 (I) MEMBERSHIP IN A PROTECTED CLASS; OR

50
51 (II) REFUSAL TO SUBMIT TO A GENETIC TEST OR MAKE AVAILABLE THE
52 RESULTS OF A GENETIC TEST;

53
54 (3) REQUEST OR REQUIRE GENETIC TESTS OR GENETIC INFORMATION AS A
55 CONDITION OF HIRING OR DETERMINING BENEFITS;

1 (4) FAIL OR REFUSE TO MAKE A REASONABLE ACCOMMODATION FOR THE KNOWN
2 DISABILITY OF AN OTHERWISE QUALIFIED EMPLOYEE OR AN APPLICANT FOR
3 EMPLOYMENT; OR

4
5 (5) ENGAGE IN HARASSMENT OF AN EMPLOYEE BASED ON THE EMPLOYEE'S
6 MEMBERSHIP IN A PROTECTED CLASS.

7
8 (B) **Exception.** THIS SECTION DOES NOT APPLY TO AN EMPLOYEE OF ANNE ARUNDEL
9 COUNTY. A CLAIM OF DISCRIMINATION ARISING OUT OF COUNTY EMPLOYMENT SHALL BE
10 INITIATED, INVESTIGATED, AND RESOLVED PURSUANT TO ARTICLE 6 OF THIS CODE AND
11 THE EMPLOYEE RELATIONS MANUAL.

12
13 **ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES**

14
15 **TITLE 5A. HUMAN RELATIONS COMMISSION**

16
17 **3-5A-103. Composition; Human Relations Officer; Student Member.**

18
19 (a) **Number and type of members.** The Commission consists of 13 voting members[[,
20 all of whom shall be residents of the County, nominated by the County Executive and
21 approved by resolution of the County Council. Of the voting members]] AS FOLLOWS:

22
23 (1) (I) [[There shall be]] one member from each councilmanic district recommended
24 by the County Council member for the district;

25
26 [[(2)There shall be]] (II) four members recommended by the County Executive;

27
28 [[(3)There shall be]] (III) one student member; AND

29
30 [[(4) One shall be]] (IV) the Executive Director of Arundel Community
31 Development Services, Inc., or their designee[;].

32
33 (2) ALL VOTING MEMBERS, EXCEPT THE EXECUTIVE DIRECTOR OF ARUNDEL
34 COMMUNITY DEVELOPMENT SERVICES, INC., OR THEIR DESIGNEE, SHALL BE RESIDENTS
35 OF THE COUNTY.

36
37 (3) ALL VOTING MEMBERS, EXCEPT THE EXECUTIVE DIRECTOR OF ARUNDEL
38 COMMUNITY DEVELOPMENT SERVICES, INC., OR THEIR DESIGNEE, SHALL BE NOMINATED
39 BY THE COUNTY EXECUTIVE AND APPROVED BY RESOLUTION OF THE COUNTY COUNCIL.

40
41 (4) THE EXECUTIVE DIRECTOR OF ARUNDEL COMMUNITY DEVELOPMENT
42 SERVICES, INC., OR THEIR DESIGNEE, SHALL BE APPOINTED BY THE COUNTY EXECUTIVE.

43
44 (5) At least four of the thirteen members shall reflect the ethnicity and minority
45 diversity of the residents of the County; and

46
47 (6) At least one of the thirteen members shall be trained in or have experience with
48 mediation.

1 **(b) Human Relations Officer.**

2
3 (1) The Human Relations Officer shall be ~~[[a County employee designated as such~~
4 ~~by the County Executive]]~~ THE DIRECTOR OF THE OFFICE OF EQUITY AND HUMAN RIGHTS,
5 OR THEIR DESIGNEE.

6
7 (2) The Human Relations Officer shall be ~~[[a non-voting ex officio member]]~~ THE
8 SECRETARY ~~[[of]]~~ TO the Commission.

9
10 **3-5A-108. Powers and duties of the Commission.**

11 **(a) Powers.** The Commission may:

12
13
14 (1) receive, mediate, and adjudicate complaints of discrimination in ~~[[housing]]~~
15 VIOLATION OF TITLE 9 OF ARTICLE 1 OF THIS CODE, PROVIDED, HOWEVER, THAT
16 COMPLAINTS OF DISCRIMINATION AGAINST A COUNTY EMPLOYEE BY ANOTHER COUNTY
17 EMPLOYEE SHALL NOT BE SUBJECT TO THIS TITLE AND INSTEAD SHALL BE INITIATED AND
18 RESOLVED PURSUANT TO ARTICLE 6 OF THIS CODE AND THE EMPLOYEE RELATIONS
19 MANUAL;

20
21 (2) initiate ~~[[and investigate]]~~ matters relating to discrimination in ~~[[housing]]~~
22 VIOLATION OF TITLE 9 OF ARTICLE 1 OF THIS CODE;

23
24 ***

25
26 (7) conduct TRAINING AND educational programs, INCLUDING PROGRAMS TO
27 PROMOTE POSITIVE HUMAN RELATIONS AND TO NOTIFY THE PUBLIC OF THE
28 AVAILABILITY OF REMEDIES UNDER THIS SUBTITLE;

29
30 ***

31
32 (9) make recommendations to the County Executive, the County Council, and
33 County departments and offices on matters involving human relations, including
34 ~~[[housing]]~~ discrimination IN VIOLATION OF TITLE 9 OF ARTICLE 1 OF THIS CODE,
35 prejudice, and inter-group relations;

36
37 ***

38
39 **(C) Delegation.** THE COMMISSION MAY DELEGATE AUTHORITY TO THE HUMAN
40 RELATIONS OFFICER TO CONDUCT MEDIATIONS OR TO PROVIDE REFERRALS FOR
41 MEDIATION SERVICES FOR COMPLAINTS FILED UNDER THIS TITLE.

42
43 **3-5A-109. Powers and duties of the Human Relations Officer.**

44
45 **(A) Powers and duties.** THE HUMAN RELATIONS OFFICER, WITH THE OFFICE OF EQUITY
46 AND HUMAN RIGHTS OR ITS DESIGNEE, MAY INVESTIGATE:

47
48 (1) ANY INTERNAL COMPLAINTS OF DISCRIMINATION BY COUNTY EMPLOYEES IN
49 VIOLATION OF THIS TITLE AND PROVIDE FINDINGS, CONCLUSIONS AND
50 RECOMMENDATIONS TO THE PERSONNEL OFFICER; AND

1 (2) ANY OTHER COMPLAINTS OF DISCRIMINATION IN VIOLATION OF THIS TITLE
2 AND PROVIDE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS TO THE HUMAN
3 RELATIONS COMMISSION, AS PROVIDED IN THIS TITLE.

4
5 (B) **Access to County records.** THE HUMAN RELATIONS OFFICER SHALL HAVE ACCESS
6 TO ALL INTERNAL RECORDS OF THE COUNTY AS MAY BE NECESSARY TO COMPLETE AN
7 INVESTIGATION UNDER THIS TITLE.

8
9 (C) **Compliance testing allowed.** THE HUMAN RELATIONS OFFICER, WITH THE OFFICE
10 OF EQUITY AND HUMAN RIGHTS, MAY, AT THEIR OWN INITIATIVE OR UPON REQUEST
11 FROM THE COMMISSION, TEST ANY FACILITY OR ORGANIZATION FOR COMPLIANCE WITH
12 THIS TITLE AND ARTICLE 1, TITLE 9 OF THIS CODE.

13
14 **3-5A-110. Annual reporting.**

15
16 (A) **Annual reports.** THE COMMISSION SHALL MAKE AN ANNUAL REPORT TO THE
17 COUNTY EXECUTIVE AND THE COUNTY COUNCIL ON OR BEFORE OCTOBER 1 OF EACH
18 YEAR, SUMMARIZING ITS ACTIVITIES DURING THE PRECEDING FISCAL YEAR. THE
19 REPORT SHALL INCLUDE STATISTICS INDICATING THE NUMBER AND TYPE OF
20 COMPLAINTS FILED AND THE DISPOSITION OF COMPLAINTS, DATA ON RACE AND ETHNIC
21 CHARACTERISTICS OF THOSE WHO HAVE FILED A COMPLAINT UNDER THIS SUBTITLE,
22 ANY ACTIONS OR PROGRAMS UNDERTAKEN DURING THE YEAR TO ADVANCE HUMAN
23 RIGHTS, AND ANY OTHER MATTERS RELEVANT TO THE AUTHORIZED ACTIVITIES OF THE
24 COMMISSION, INCLUDING RECOMMENDATIONS FOR LEGISLATIVE OR ADMINISTRATIVE
25 ACTION TO FURTHER THE PURPOSES AND POLICIES ESTABLISHED BY THIS SUBTITLE. THE
26 REPORT SHALL BE PUBLISHED BY THE COUNTY EXECUTIVE ON THE COUNTY WEBSITE.

27
28 (B) **Interim reports.** THE COUNTY EXECUTIVE OR COUNTY COUNCIL MAY REQUIRE
29 THE COMMISSION TO MAKE INTERIM REPORTS, INCLUDING REPORTS OF
30 INVESTIGATIONS.

31
32 **3-5A-202. Hearings without the filing of a complaint.**

33
34 (a) **Authority.** The Commission may hold hearings regarding alleged discrimination in
35 [[housing in the County]] VIOLATION OF TITLE 9 OF ARTICLE 1 OF THIS CODE that is
36 reported to or otherwise discovered by the Commission but that is not the subject matter of
37 a complaint filed with the Commission.

38
39 **3-5A-203. Complaints alleging discrimination.**

40
41 (a) **Filing and contents of complaint.** A complaint filed with the Commission alleging
42 discrimination in [[housing]] VIOLATION OF TITLE 9 OF ARTICLE 1 OF THIS CODE shall
43 include the name, address, telephone number, and email address of the complainant; the
44 name, address, and, if known, the telephone number and email address of the respondent;
45 and a concise statement of the facts.

46
47 (b) **Time for filing.** The complaint shall be filed no later than the later of [[six months]]
48 300 DAYS after the alleged violation occurs or six months after the complainant discovers
49 the alleged violation.

50
51 (F) **Answer.** NO LATER THAN 30 DAYS AFTER SERVICE OF THE COMPLAINT, THE
52 RESPONDENT MAY FILE AN ANSWER TO THE COMPLAINT WITH THE COMMISSION, AND
53 SHALL SERVE A COPY OF THE ANSWER ON THE COMPLAINANT.

1 (G) **Preemption.** A COMPLAINT OF DISCRIMINATION FILED WITH THE STATE OR A
2 FEDERAL AGENCY WITH JURISDICTION OVER THE COMPLAINT THAT IS BASED ON THE
3 SAME OPERATIVE FACTS AS A COMPLAINT FILED UNDER THIS SECTION SHALL PREEMPT
4 AND TERMINATE ANY COMPLAINT FILED UNDER THIS TITLE.

5
6 **3-5A-204. Initial review of the complaint.**

7
8 (a) **Sufficiency of complaint.** The Human Relations Officer, [[within 30 days after the
9 filing of a complaint]] WITH THE ASSISTANCE OF THE OFFICE OF EQUITY AND HUMAN
10 RIGHTS, shall review the complaint WITHIN 14 DAYS OF FILING to determine whether the
11 facts alleged are sufficient to support a claim for discrimination in [[housing]] VIOLATION
12 OF TITLE 9 OF ARTICLE 1 OF THIS CODE.

13
14 (b) **Dismissal.** If the Human Relations Officer, AFTER CONSULTATION WITH THE
15 OFFICE OF EQUITY AND HUMAN RIGHTS, determines that the facts alleged would be
16 insufficient to establish discrimination in [[housing]] VIOLATION OF TITLE 9 OF ARTICLE 1
17 OF THIS CODE, the Human Relations Officer shall:

18
19 (1) dismiss the complaint in writing, setting forth the reasons for the dismissal and
20 a description of the process to seek reconsideration; and

21
22 (2) serve a copy of the dismissal on the parties.

23
24 (d) **Decision of the Commission on reconsideration request.**

25
26 (1) If the voting members of the Commission determine that the facts alleged would
27 be sufficient to establish discrimination in [[housing]] VIOLATION OF TITLE 9 OF ARTICLE
28 1 OF THIS CODE, the Chair shall reinstate the complaint by letter and serve the letter on the
29 parties.

30
31 (2) If the voting members of the Commission determine that the facts alleged would
32 be insufficient to establish discrimination in [[housing]] VIOLATION OF TITLE 9 OF ARTICLE
33 1 OF THIS CODE, the Chair shall uphold the dismissal by the Human Relations Officer by
34 letter and serve the letter on the parties.

35
36 **3-5A-206. Investigation, referral, and hearing.**

37
38 (A) **Investigation.** FOR ANY COMPLAINT NOT DISMISSED AFTER INITIAL REVIEW BY
39 THE HUMAN RELATIONS OFFICER, THE HUMAN RELATIONS OFFICER, WITH THE
40 ASSISTANCE OF THE OFFICE OF EQUITY AND HUMAN RIGHTS, SHALL INVESTIGATE THE
41 ALLEGATIONS OF THE COMPLAINT.

42
43 (B) **Referral.**

44
45 (1) IF THE HUMAN RELATIONS OFFICER DETERMINES THAT THE FACTS ALLEGED IN
46 THE COMPLAINT SUSTAIN A CLAIM FOR DISCRIMINATION IN VIOLATION OF TITLE 9 OF
47 ARTICLE 1 OF THIS CODE, THE HUMAN RELATIONS OFFICER SHALL PREPARE AND PROVIDE
48 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS TO THE HUMAN RELATIONS
49 COMMISSION NO LATER THAN 90 DAYS AFTER THE FILING OF THE COMPLAINT. THE
50 REFERRAL TO THE HUMAN RELATIONS COMMISSION SHALL INCLUDE ANY ANSWER TO
51 THE COMPLAINT FILED BY THE RESPONDENT. THE HUMAN RELATIONS COMMISSION

1 SHALL SCHEDULE AND CONDUCT A HEARING ON THE REFERRED COMPLAINT AS
2 PROVIDED IN THIS SUBTITLE.

3
4 (2) THE 90-DAY PERIOD FOR REFERRAL TO THE COMMISSION MAY BE EXTENDED
5 BY THE HUMAN RELATIONS OFFICER FOR AN ADDITIONAL 60 DAYS PROVIDED THE HUMAN
6 RELATIONS OFFICER NOTIFIES THE COMMISSION OF THE NEED FOR ADDITIONAL TIME
7 PRIOR TO THE EXPIRATION OF THE 90-DAY REFERRAL PERIOD.

8
9 **3-5A-207. Hearing.**

10
11 (d) **Hearing.** At the hearing, the Human Relations Officer shall administer the oath to
12 each witness in accordance with § 1-2-102 of this Code. The Commission shall consider
13 all relevant evidence to determine whether the respondent has engaged in one or more acts
14 of discrimination in **[[housing]]** VIOLATION OF TITLE 9 OF ARTICLE 1 OF THIS CODE. The
15 burden of proof shall be on the complainant and the burden of persuasion shall be by a
16 preponderance of the evidence.

17
18 (F) **Rules of procedure.** HEARINGS SHALL BE CONDUCTED PURSUANT TO THE RULES
19 OF PROCEDURE THAT ARE ADOPTED BY THE COMMISSION AND POSTED ON THE HUMAN
20 RELATIONS COMMISSION WEBSITE.

21
22 **3-5A-208. Decision and order.**

23
24 (a) **Dismissal.** If the Commission finds that the respondent has not engaged in an act
25 of discrimination in **[[housing]]** VIOLATION OF TITLE 9 OF ARTICLE 1 OF THIS CODE, within
26 60 days after the date of the hearing the Commission shall issue a written decision and
27 order, stating its findings of fact and conclusions of law and ordering the dismissal of the
28 complaint. The Commission shall serve a copy of the dismissal on the parties.

29
30 (b) **Finding of discrimination.**

31
32 (1) If the Commission finds that the respondent has committed one or more acts of
33 discrimination in **[[housing]]** VIOLATION OF TITLE 9 OF ARTICLE 1 OF THIS CODE, within
34 60 days after the date of the hearing the Commission shall issue a written decision stating
35 its findings of fact and conclusions of law and order any or all of the following:

36
37 (i) to cease and desist from discriminating in **[[housing]]** VIOLATION OF TITLE
38 9 OF ARTICLE 1 OF THIS CODE;

39
40 (ii) FOR A VIOLATION OF SUBTITLE 2 OF TITLE 9 OF ARTICLE 1 OF THIS CODE,
41 **[[to]]** order the respondent to sell or rent property to the complainant; **[[or]]**

42
43 (iii) **[[that the violation is a Class A civil offense punishable by a civil fine as
44 provided by § 9-2-101 of this Code]]** FOR A VIOLATION OF SUBTITLES 3 OR 4 OF TITLE 9 OF
45 ARTICLE 1 OF THIS CODE, ASSESS A CIVIL FINE OF UP TO \$5,000 PER OFFENSE; OR

46
47 (IV) FOR A VIOLATION OF SUBTITLE 2 OF TITLE 9 OF ARTICLE 1 OF THIS CODE,
48 ASSESS A CIVIL FINE OF UP TO \$10,000 FOR A FIRST OFFENSE, UP TO \$25,000 FOR A SECOND
49 OFFENSE WITHIN FIVE YEARS OF A PRIOR OFFENSE, AND UP TO \$50,000 FOR A THIRD OR
50 SUBSEQUENT OFFENSE WITHIN SEVEN YEARS OF A SECOND OFFENSE.

1 (2) The Commission shall serve a copy of the decision and order on the parties.

2


3 (3) If the time for an appeal to the Board of Appeals has expired and no appeal was
4 taken under § ~~[[3-5A-208]]~~ 3-5A-209, the Commission, through the Office of Law, may file
5 a petition in the Circuit Court for Anne Arundel County to enforce an order issued under
6 this section.

7

8 SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days
9 from the date it becomes law.

READ AND PASSED this 15th day of April, 2024

By Order:



Kaley Schultze
Administrative Officer

PRESENTED to the County Executive for his approval this 17th day of April, 2024



Kaley Schultze
Administrative Officer

APPROVED AND ENACTED this 24th day of April, 2024



Stuart Pittman
County Executive

EFFECTIVE DATE: June 8, 2024

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 21-24 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read 'KS' followed by a long horizontal stroke.

Kaley Schultze
Administrative Officer