

DIVISION 12. OFFICE OF HUMAN RIGHTS.

SUBDIVISION 1. GENERAL PROVISIONS.

Sec. 2-185. Office of Human Rights; purpose.

- (a) It shall be a function of the County government to foster and encourage the growth and development of the County in such a manner that all persons shall have an equal opportunity to pursue their lives free of discrimination imposed because of race, religion, color, sex, national origin, age, occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity. Discriminatory practices based upon the foregoing criteria are declared to be contrary to the public policy of the County.
- (b) The County government shall direct its efforts and resources toward eliminating discriminatory practices within the County in the areas of housing and residential real estate, employment, law enforcement, education, public accommodations, and commercial real estate where such practices may be found to exist.
- (c) It is intended that the prohibitions in this Division are substantially similar, but not necessarily identical, to prohibitions in Federal and State law. The intent is to assure that a complaint filed under this Division may proceed more promptly than possible under either Federal or State law. It is not County policy, however, to create a duplicative or cumulative process to those existing under similar or identical Federal or State laws. Once a complaint is fully adjudicated under a similar or identical Federal or State law, the complaint should not be reprocessed under this Division if the effect is duplicative or cumulative.

(CB-1-1972; CB-48-1976; CB-30-1990; CB-23-1991; CB-12-2021)

Sec. 2-186. Definitions.

- (a) As used in this Division:
 - (1) **Act** shall mean the law established hereunder, and any subsequent legislative act or executive order which lawfully assigns a responsibility to the Office of Human Rights (hereinafter "Agency") to eliminate discrimination or the denial of civil rights.
 - (2) **Complainant** shall mean the person alleging a violation under this Division.
 - (3) **Discrimination** shall mean acting, or failing to act, or unduly delaying any action regarding any person because of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, familial status, marital status, political opinion, personal appearance, sexual orientation, disability, or gender identity, in such a way that such person is adversely affected in the areas of housing and residential real estate, employment, law enforcement, education, public accommodations, or commercial real estate.
 - (4) **Dwelling** shall mean any building or structure, or portion thereof which is designed, intended, or arranged for use or occupancy as a home, residence, or sleeping place of one (1) or more individuals.
 - (5) **Employer** shall mean any person engaged in legal industry affecting commerce, who has hired or contracted for the services of one (1) or more employees, or an agent of such person. Employer includes the Prince George's County Government.

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- (6) **Employment agency** shall mean any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person, but shall not include any agency of the Federal or State governments.
 - (7) **Executive Director** shall mean a person appointed by the County Executive to supervise the Agency and advise and assist the Human Rights Commission in its functions, and who shall serve at the pleasure of the County Executive
 - (8) **Familial status** shall mean one or more individuals, who have not attained the age of eighteen (18) years, being domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall be extended to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
 - (9) **Gender Identity** shall mean an individual's actual or perceived gender, including a person's gender-related appearance, expression, image, identity, or behavior and whether or not those gender-related characteristics differ from the characteristics customarily associated with the person's assigned sex at birth.
 - (10) **Housing** shall mean any dwelling for the use of one (1) or more individuals, groups or families, any mobile home site, and any land offered for sale or lease for the construction of such dwelling, building, structure, or mobile home site.
 - (11) **Informal hearing** shall mean any inquiry, forum, investigation, or meeting at which compulsory processes are not invoked and a record is not prepared for the purpose of providing the basis of the Commission's compulsory processes. Informal hearings are not required to be open to public or press.
 - (12) **Labor organization** shall mean a person or organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.
 - (13) **Lending Institution** shall mean any bank, insurance company, savings and loan association, or any other person or organization regularly engaged in the business of lending money or guaranteeing loans within the County.
 - (14) **Occupation** shall keep its common meaning. In addition, under this Division it shall mean a principal lawful activity. Persons to be protected include, but are not limited to students, recipients of government assistance, retired persons, or persons with disabilities as defined in this Division, and any persons irrespective of income, who are denied the equal protection of the laws.
 - (15) **Office of Human Rights staff** shall be referred to as "the Agency"; the Commissioners of the Office of Human Rights, as defined by Section 2-187(a) shall be referred to as "the Commission" or "Human Rights Commission."
 - (16) **Person** shall include one (1) or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, agents, or receivers.
 - (17) **Personal appearance** shall mean the outward appearance of any person irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to hair style or beards. It shall not relate, however, to the

requirement of cleanliness, uniforms, or prescribed attire when uniformly applied for admittance to a public accommodation or a class of employees for a customary or reasonable business.

- (18) **Disability** shall mean a physical or mental impairment which substantially limits one or more of a person's major life activities, a record of having such an impairment, or being regarded as having such an impairment.
- (19) **Place of public accommodation** shall include, but not be limited to, any wholesale or retail store, inn, hotel, motel, or other establishment which provides lodging to transient persons; or any restaurant, cafeteria, lunch room, lunch counter, soda fountain, or other facility at which food or alcoholic beverages are sold for consumption on the premises; or any gasoline station, motion picture house, theatre, concert hall, sports arena, stadium, or place of exhibition or entertainment.
- (20) **Political opinion** shall mean the opinions of persons relating to government, or the conduct of government; or related to political parties authorized to participate in elections in the State.
- (21) **Sexual Orientation** shall include, but is not limited to, the preference or practice of an individual as to homosexuality, heterosexuality, or bisexuality, or being regarded or identified as having such a preference.
- (22) **Solicit** shall mean to request, invite, or induce, for monetary gain, by the following means:
- (A) Going in or upon the property of the person to be solicited except when invited by such person;
 - (B) Contacting the person to be solicited by any means, to include but not limited to, telephone, text, social media, or messenger service, except when requested by such person;
 - (C) Distributing handbills, circulars, or other advertising matter on private property or private vehicles, except as requested by owners of such property or vehicles.

Solicitation does not include advertising in bona fide newspapers, magazines, radio, television, internet sites, or telephone directories.

- (23) **Source of income** means any lawful verifiable source of money paid directly or indirectly to a renter or a buyer of a housing unit, including:
- (A) Income received through any lawful profession or occupation, including but not limited to, bank statement, official government issued letters, pay stub or letter from an employer;
 - (B) Federal, state, or local government assistance including housing vouchers, medical assistance subsidies, rental assistance, and rent supplements as issued under the United States Housing Act of 1937;
 - (C) Any inheritance, pension, annuity, alimony, child support, trust, or investment accounts;
 - (D) Any gift verified by a letter or other means but, unless it is recurring throughout a tenancy, the gift may support one-time expenses only, such as a security deposit or pet fee; and
 - (E) Any sale or pledge of property if the sale or pledge will result in proceeds inuring to the recipient's benefit within sixty days of the application to rent a housing unit, purchase a housing unit, or purchase an interest in a housing unit.
- (24) **Wrongful practice** shall mean an act for which the Commission shall have the power to issue Cease and Desist Orders and enforce through the Court. It shall not constitute a misdemeanor or a prohibited act as defined by Section 1-123 of this Code.

(CB-1-1972; CB-48-1976; CB-129-1976; CB-30-1990; CB-23-1991; CB-48-1992; CB-38-2019; CB-12-2021)

SUBDIVISION 2. ADMINISTRATIVE PROVISIONS.

Sec. 2-187. Composition of the Human Rights Commission; terms.

- (a) There is created a body of Commissioners of the Office of Human Rights composed of thirteen (13) members. The members shall be appointed by the County Executive and confirmed by the Council pursuant to the provisions of Section 322 of the Charter. Such members shall be broadly representative of the citizens of the County.
- (b) Of the initial members of the Human Rights Commission: four (4) members shall be appointed for terms to expire one (1) year after the effective date of this Act; four (4) members shall be appointed for two (2) years from the effective date of this Act; and five (5) members shall be appointed for three (3) years from the effective date of this Act. The County Executive shall designate one (1) member of the Commission to serve as Chairperson, subject to confirmation by the Council. Thereafter, the term of office for each member shall be three (3) years. A member appointed to fill a vacancy occurring prior to the expiration of the term for which one's predecessor was appointed shall be appointed in the same manner as prescribed in Section 2-187(a) and shall serve for the remainder of such term.

(CB-1-1972; CB-77-1974; CB-56-1978; CB-60-1979; CB-12-2021)

Sec. 2-188. Rules and regulations; meetings.

The Commission shall adopt and publish its own rules and regulations, subject to the approval of the County Executive. The Commission shall meet at least once each month.

(CB-1-1972)

Sec. 2-189. Hearing Panels; subcommittees.

- (a) The Commission may establish special Hearing Panels consisting of at least three (3) members in Housing and Residential Real Estate, Employment, Law Enforcement, Education, Commercial Real Estate, and/or other areas as it deems necessary, operating under such rules as the Commission shall devise.
- (b) Pursuant to the rules of the Commission, the Chairperson may also designate special subcommittees or may direct the Agency to make studies, inquiries, or investigations into particular matters which are within the jurisdiction of the Human Rights Commission.

(CB-1-1972; CB-30-1990; CB-12-2021)

Sec. 2-190. Executive Director; budget.

- (a) The County Executive shall appoint an Executive Director. S/he shall supervise the operations of the Agency and shall perform such other duties as are prescribed by the Commission.
- (b) The proposed budget of the Office of Human Rights shall be submitted to the County Executive in accordance with County budget procedures. Subject to the provisions of Article VIII of the Charter, it is authorized to expend funds derived from private grants, the State or the United States to carry out its

functions and activities, and to cooperate with any agency of the State or the United States in carrying out its functions and activities.

(CB-1-1972; CB-47-2011; CB-12-2021)

Sec. 2-191. Agency reports; contents.

- (a) The Agency shall make an annual report to the County Executive and the Council on or before October 1 of each year, outlining its activities during the preceding fiscal year. The report shall include statistics indicating the number and type of complaints filed and the disposition of the complaints. The report shall also include affirmative action or programs undertaken during the year for the betterment of human relations and any other matters relevant to the authorized activities of the Agency, including recommendations for legislative or administrative action to further the purposes and policies established by this Division. The report shall be made public by the County Executive.
- (b) The Agency may be required by the County Executive or the Council to make such interim reports, including reports of investigations, as they may request.

(CB-1-1972; CB-12-2021)

Sec. 2-192. Functions of the Office of Human Rights.

- (a) The functions of the Agency shall be to:
 - (1) Eliminate discrimination as defined in Section 2-186 and wrongful practices as defined in Section 2-186.
 - (2) Eliminate infringements of the civil and human rights or civil liberties of all persons in the County.
 - (3) Investigate and, whenever necessary, certify for public hearings any matter assigned by Executive Order and/or Council Resolution relating to human rights.
 - (4) Investigate, and whenever necessary, certify for public hearings any matter wherein an allegation has been made that a person has been denied his or her civil or human rights, civil liberties, or has been adversely affected in the areas of housing and residential real estate, employment, law enforcement, education, public accommodations, or commercial real estate.
- (b) The functions of the Commission shall be to:
 - (1) Eliminate discrimination as defined in Section 2-186 and wrongful practices as defined in Section 2-186.
 - (2) Eliminate infringements of the civil and human rights or civil liberties of all persons in the County.
 - (3) Whenever necessary, hold public hearings on any matter certified by the Agency to the Commission.
 - (4) Initiate investigations by holding public hearings or initiate studies on any matter wherein an allegation has been made that a person has been denied his or her civil or human rights, civil liberties, or has been adversely affected in the areas of housing and residential real estate, employment, law enforcement, education, public accommodations, or commercial real estate.

(CB-1-1972; CB-30-1990; CB-12-2021)

Sec. 2-193. Powers and duties of the Office of Human Rights.

- (a) The Agency shall have authority and power to make such surveys and studies concerning human and civil rights, conditions and problems as it may determine, and to promote in every way possible the betterment

of human relations. In making such studies and surveys, the Agency shall be authorized to expend any funds which may be provided for in regular or supplementary appropriations. On the basis of such studies or surveys, the Agency shall recommend to the County Executive and/or the Council additional legislation or changes in existing legislation as may be deemed appropriate.

- (b) Whenever any pattern and/or serious incident or incidents of discrimination arise, the Commission may immediately hold an informal investigatory hearing. The purpose of the hearing shall be to resolve the problem promptly by the gathering of all the facts from all available sources and to make such recommendations as may be necessary.
- (c) The Agency shall, in writing, inform any person filing any charge or complaint of the disposition of his or her complaint.
- (d) Whenever the Commission receives reliable information from any person and, after proper investigation, determine that a violation of this Division has occurred, any member of the Commission shall have the authority, upon a majority vote of the full body of the Commission, to initiate a complaint in the name of that Commissioner.
- (e) If at any time after a complaint has been filed the Agency determines that appropriate civil action to preserve the status quo or to prevent such irreparable harm is necessary, the Agency may transmit the matter to the County Attorney for necessary action to preserve such status quo or to prevent such irreparable harm, including, but not limited to, temporary restraining orders and preliminary injunction.

(CB-1-1972; CB-30-1990; CB-12-2021)

SUBDIVISION 3. ENFORCEMENT PROCEDURES.

Sec. 2-194. Powers of Human Rights Commission.

- (a) In the administration and enforcement of the provisions of these several subdivisions, the Commission has power to administer oaths and, upon majority vote of the full body of the Commission, to issue subpoenas for persons or documents during investigations, to compel for the taking of interrogatories and depositions, and to compel for a formal hearing the attendance for testimony of witnesses and the production of records and documents relevant or necessary for proceedings under the particular subdivision.
- (b) Service of subpoena. Any such subpoena shall be served by:
 - (1) Certified mail, return receipt requested (with service by certified mail being complete upon delivery and proof being shown by the green return receipt card). Proof of service shall be filed with the Clerk of the Commission; or
 - (2) Personal service of process by:
 - (A) A competent private person, eighteen (18) years of age or older, who is not a party to the action; or
 - (B) The sheriff or deputy sheriff of the political subdivision in which is located the residence of the person or the main office of the firm, association, partnership or corporation against whom or which the subpoena is issued.
- (c) Enforcement of subpoena.
 - (1) In case of failure to comply with a subpoena, the County, on behalf of the Commission, may apply to a court of appropriate jurisdiction for an order requiring the attendance and testimony of witnesses and/or the production of records and documents, and/or the taking of interrogatories and depositions.

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- (2) After notice to the person subpoenaed as a witness or directed to produce records and documents, and upon a finding that the attendance and testimony of the witness or the production of the records and documents is relevant or necessary for the proceedings of the Commission, the court may issue an order requiring the attendance and testimony of the witness and the production of the records and documents. Any failure to obey such an order of the court may be punished as contempt of court.

(CB-1-1972; CB-86-1993; CB-11-2013; CB-12-2021)

Sec. 2-195. Cease and desist orders; contents.

- (a) If, upon all the evidence, the Commission by a majority vote of the full body of Commissioners finds that the respondent has engaged in any discriminatory action or wrongful practice within the scope of this Division, it shall so state its findings. The Commission shall issue and cause to be served upon the respondent an order requiring the respondent to cease and desist from the unlawful discriminatory action or prohibited practice and to take such affirmative action as equity and justice may require and prospective relief as is necessary to effectuate the purposes of the Division.
- (b) Such order must be reasonably related to the violation and may include a requirement of reimbursement of actual expenses to the complainant arising out of the wrongful conduct of the respondent, and in employment cases may include the awarding of back pay and reimbursement of actual expenses caused by wrongful conduct of the respondent to a complainant employee.

(CB-1-1972; CB-129-1976; CB-30-1990; CB-12-2021)

Sec. 2-195.01. Other Awards and Remedies.

- (a) In addition to the other awards and relief which are hereinafter provided, the Commission may, in accordance with the standards of proof set forth in Section 2-195, also make the following monetary orders determined by the Commission from the evidence of record as the actual damages, costs, or losses involved, or in such amounts as may be specified below:
 - (1) Should the complainant's personal property be damaged, the complainant may be awarded damages not exceeding any expenses actually incurred in repairing the damage or in replacing the property, if such replacement is found by the Commission to be necessary.
 - (2) If the complainant was required to incur travel expenses that would not have been incurred but for unlawful discriminatory acts or practices of the respondent, the complainant may be awarded damages not exceeding such expenses. The use of the complainant's automobile shall be compensated at the rate current at the time of the violation for County employees' use of a private automobile for official business. Expenses shall not be awarded to the extent that they have been reimbursed from another source.
 - (3) Damages may also be awarded to compensate complainant for humiliation and embarrassment suffered in an amount determined by the Commission to be appropriately and reasonably warranted considering all of the circumstances, but in no event shall the amount be in excess of Two Hundred Thousand Dollars (\$200,000.00).
 - (4) In the event an award of damages is made, the respondent shall be ordered to pay to the complainant interest at the legal rate on the loss of the use of any monies arising from the act of discrimination, from the date of the Commission order.
- (b) In addition to other awards and relief set forth above, the Commission may impose a civil fine up to Ten Thousand Dollars (\$10,000.00), in accordance with the standards of proof set forth in Section 2-195, on a

respondent found to have violated any of the provisions of this Division. The Agency may also negotiate and collect the payment of civil fines and assessments without holding a public hearing, as part of the conciliation procedure set forth in Section 2-203. The terms of the negotiated conciliation agreement between the respondent and the Executive Director, shall be included in a written consent agreement, and if approved by a majority vote of the full body of Commissioners, shall be incorporated into an order of the Commission, as set forth in Section 2-203.

(CB-30-1990; CB-48-1992; CB-4-1998; CB-85-2014; CB-12-2021)

Sec. 2-196. Order dismissing complaint.

If, upon all evidence, the Commission by majority vote of the full body of Commissioners finds that the respondent has not engaged in any such alleged discriminatory act within the scope of this Division, it shall state its findings of fact and shall similarly issue and file an order dismissing the complaint.

(CB-1-1972; CB-12-2021)

Sec. 2-197. Enforcement of orders by Court; appeals.

- (a) A determination made by the Commission of a violation of this Division shall be a conclusive finding.
- (b) If any complainant or respondent refuses to comply with an order of the Commission made within the scope of this Division, the County, on behalf of the Human Rights Commission, may initiate a suit in equity in the Circuit Court to enforce compliance with any of the provisions of this Division.
- (c) Any party aggrieved by a final decision by the Commission is entitled to file an appeal pursuant to Chapter 200, Title 7, Maryland Rules of Procedure.

(CB-1-1972; CB-44-1984; CB-48-1992; CB-12-2021)

Sec. 2-198. False complaints prohibited; exception.

- (a) Any person, including one who is acting for or on behalf of any firm, association, or corporation, who knowingly files a false complaint under this Act is guilty of a misdemeanor. The Agency will refer any such matter to the State's Attorney of Prince George's County.
- (b) This Section shall not be construed or applied to deny the right of a respondent to bring any civil action against one who has filed a complaint under this Division.

(CB-1-1972; CB-12-2021)

Sec. 2-199. Falsification of documents; intimidation.

- (a) No person shall willfully falsify any documents, records, and/or reports which are subpoenaed pursuant to this Division.
- (b) No person shall willfully falsify his or her testimony or intimidate any witness and/or complainant and/or respondent.
- (c) Any person who violates the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined no more than One Thousand Dollars (\$1,000.00) and/or imprisoned for not more than six (6) months.

(CB-1-1972; CB-12-2021)

Sec. 2-200. Nonexclusive remedy.

The provisions of this Division shall be construed as vesting in all persons the right to be free of any practices within the County which are prohibited in this Division. Any person who is aggrieved by any act prohibited in this Division may bring an appropriate action in law or equity in the Circuit Court to seek damages, redress of injury, or injunctive relief arising out of any such prohibited act, in addition to pursuing the procedures and seeking the remedies established in this Division.

(CB-1-1972)

SUBDIVISION 4. INVESTIGATIVE PROCEDURES.

Sec. 2-201. Initiation of investigation.

Except in cases of discrimination in housing and residential real estate and harassment against an employer, an Agency investigation into a suspected violation by any person of the provisions of this Division may be initiated no later than one hundred eighty (180) days after the date of the alleged violation by filing with the Executive Director, upon a form to be provided by the Agency, a signed statement setting forth the suspected violation. In cases of discrimination in housing, the investigation shall be initiated before the end of the thirtieth (30th) day after the receipt of the statement setting forth the alleged discriminatory housing practice that has occurred or that the complainant believes is about to occur. A statement alleging discriminatory housing practices must be filed no later than three hundred sixty (360) days after the date of the alleged violation. A statement alleging harassment against an employer shall be filed no later than two (2) years after the date of the alleged violation. In all cases, the statement shall contain the name and address of the complainant and such other information as may be required by the Agency. In cases alleging discriminatory housing practices, the Agency shall complete the investigation within one hundred (100) days after receipt of the complaint, unless it is impracticable to do so. Should the Agency be unable to complete the investigation within one hundred (100) days, it shall notify the complainant and respondent in writing of the reasons for not doing so. The Agency shall make final administrative disposition of a complaint within one (1) year of the date of receipt of a complaint, unless it is impracticable to do so. In such case, the Agency must notify the complainant and respondent in writing of its reasons.

(CB-1-1972; CB-129-1976; CB-30-1990; CB-48-1992; CB-12-2021)

Sec. 2-202. Investigation of complaint; dismissal.

The Agency shall promptly investigate each charge filed with it. If, after the investigation of the charge, the Executive Director believes that no violation of this Division has occurred, s/he may dismiss the charge. Any complainant adversely affected by the dismissal may appeal administratively to the Commission, no later than fifteen (15) days after the date of dismissal by the Executive Director, who may take such action as they deem appropriate.

(CB-1-1972; CB-129-1976; CB-12-2021)

Sec. 2-203. Conciliation procedure.

- (a) If, after an investigation of the complaint, the Executive Director has reasonable cause to believe that a violation of this Division has occurred, within twenty (20) days after the determination is made, the Executive Director shall attempt to conciliate the matter. If the parties to the complaint have agreed to a resolution of the complaint by way of conciliation, the terms of the resolution shall be set forth in a written consent agreement. The consent agreement shall not constitute an admission of the violation of any law.
- (b) Any written consent agreement, if approved by a majority vote of the full body of Commissioners, shall be incorporated into an order of the Commission. If either the respondent or the complainant fails to comply with any obligation or requirement which forms part of any such order, the order shall be enforced in the same manner as any other order of the Commission.
- (c) Except in cases alleging discrimination in housing, if the complainant refuses to accept an offer by the respondent which, in the judgment of the Executive Director, is a reasonable, good faith offer, the Executive Director may dismiss the complaint for failure to make a good faith conciliation attempt. Any complainant adversely affected by the dismissal may, no later than fifteen (15) days after the date of dismissal, appeal to the Commission, who shall either approve the dismissal or order a hearing on the merits.
- (d) In cases alleging discrimination in housing, the Executive Director shall advise the complainant of reasonable, good faith conciliation attempts, but may not dismiss the complaint because of the complainant's failure to accept a conciliation agreement.
- (e) In cases alleging discrimination in housing, any conciliation agreement shall be made public unless the complainant and respondent otherwise agree, and the Executive Director determines that disclosure is not required to further the purposes of this Division.

(CB-1-1972; CB-119-1979; CB-48-1992; CB-12-2021)

Sec. 2-204. Formal hearing; notice; assignment of case.

- (a) Formal hearings shall be convened in cases in which conciliation or mediation has failed. After the entry of a finding to that effect or not later than ninety (90) days after the Executive Director determines a violation has occurred, the complaint and any and all findings shall be certified to the Commission. The Chairperson shall cause a written notice to be issued and served in the name of the Commission together with a copy of the complaint, requiring the respondent to answer the charges of the complaint at a public hearing before the Commission at such time and place as may be certified in the notice.
- (b) The Chairperson shall thereupon assign the case to be heard before either the full body of Commissioners or a Panel of Commissioners as described in Section 2-189. A transcript of all testimony at the hearing shall be made. The case in support of the complaint shall be presented at the hearing by the Executive Director. No Commissioner who previously made or participated in the investigation or caused the complaint to be filed shall participate in the hearing as a witness, nor shall s/he participate in the deliberations in such case.

(CB-1-1972; CB-30-1990; CB-12-2021)

Sec. 2-205. Rights of respondent at hearing.

The respondent may file a written answer to the complaint and appear at the formal hearing in person, with or without counsel. The respondent may submit testimony and shall be fully heard. S/he may examine and cross-examine witnesses and shall be entitled to the compulsory processes of the Commission upon timely request and a concurrence of a majority of the Commission.

(CB-1-1972; CB-12-2021)

Sec. 2-206. Amendment of complaint.

The Commission may permit reasonable amendment to be made to any complaint or answer. Testimony taken at the formal hearing shall be under oath and recorded.

(CB-1-1972)

Sec. 2-207. Notice to State's Attorney; stay of proceedings.

- (a) In any case under investigation by the Agency or Commission law Article 27 and Titles 11 through 27, Criminal Law Article, Transportation Article, and Annotated Code of Maryland, where the complaint to the Agency or Commission alleges facts that would constitute such criminal offense; or where the Agency or Commission shall reveal facts that would constitute such a criminal offense, the Agency or Commission shall give written notice to the State's Attorney of Prince George's County of the nature of the matter under investigation.
- (b) If it appears to the State's Attorney that continuation of the Commission's investigation would jeopardize a part of the anticipated criminal proceedings, the State's Attorney shall notify the Commission of this fact in writing, specifying that no formal hearing be held nor subpoena issued before the termination of the criminal proceedings. Upon receipt of such written notice from the State's Attorney, the Commission shall stay the holding of formal hearings or issuance of subpoena until the Commission is notified by the State's Attorney that the relevant criminal proceedings have terminated.

(CB-1-1972; CB-12-2021)

Sec. 2-208. Confidential information; exceptions.

- (a) During the investigation of any complaint alleging a violation of Subdivisions 5, 6, 7, 8, 9, and 10 of this Division, and until the matters reach the stage of public hearings, the activities of all members of the Office of Human Rights, including its Commission, in connection with the investigation shall be conducted without publicity.
- (b) The Agency and Commission shall hold confidential any information in relation to such a complaint, including the identity of the complainant and the respondent, except that:
 - (1) Any information may be released at any time if the release has been agreed to in writing by both complainant and respondent;
 - (2) The identity of the complainant shall be disclosed to the respondent upon request;
 - (3) The Agency may cooperate with Federal and State agencies and shall make available to such agencies its files and investigative data, if the Agency is satisfied that the agencies will preserve the confidentiality of the data which is provided;
 - (4) Any Commission or employee of the Agency, who violates the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than One Thousand Dollars (\$1,000.00) and/or imprisoned for not more than six (6) months.
- (c) Conciliation agreements shall be released as set forth in Section 2-203(e) of this Division.

(CB-1-1972; CB-48-1992; CB-12-2021)

Sec. 2-209. Office of Human Rights process and witnesses; protection.

No person shall retaliate, or cause or coerce, or attempt to cause or coerce, any other person to retaliate against any person because such person has lawfully opposed any act or failure to act that is a violation of this Act or has, in good faith, filed a complaint, testified, participated, or assisted in any way in any proceeding under this Act.

(CB-1-1972; CB-12-2021)

SUBDIVISION 5. PROHIBITED ACTS IN HOUSING AND RESIDENTIAL REAL ESTATE.**Sec. 2-210. Sale or rental of housing; exception.**

- (a) No person, whether acting for monetary gain or not, shall:
- (1) Refuse to sell, lease, sublease, rent, assign, or otherwise transfer; or refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing; or represent that housing is not available for inspection, sale, lease, sublease, rental, assignment, or other transfer when in fact it is so available; or otherwise make housing unavailable, deny, or withhold any housing from any person because of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, gender identity, immigration status, citizenship status, or source of income;
 - (2) Deny any person access to, or membership or participation in, any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing, or to discriminate against any person in the terms or conditions of such access, membership, or participation, or in the selling, brokering, or appraisal of residential real estate on account of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, gender identity, immigration status, citizenship status, or source of income;
 - (3) Include in the terms, conditions, or privileges of any sale, lease, sublease, rental, assignment, or other transfer of any housing, any clause, condition, or restriction discriminating against any person in the use or occupancy of such housing because of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, gender identity, immigration status, citizenship status, or source of income;
 - (4) Discriminate in the furnishings of any facilities, repairs, improvements, or services, or in the terms, conditions, privileges, or tenure of occupancy of any person because of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, gender identity, immigration status, citizenship status, or source of income;
 - (5) Print or publish, or cause to be printed or published, any notice, statement, listing or advertisement, or to announce a policy, or use any form of application for purchase, lease, rental, or financing of any housing indicating any preference, limitation, or specification based upon race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, gender identity, immigration status, citizenship status, or source of income;

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- (6) Induce or attempt to induce any person to sell or rent any housing by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, gender identity, immigration status, citizenship status, source of income;
 - (7) Discriminate in the sale or rental, or otherwise make unavailable or deny, housing to any buyer or renter because of a disability of:
 - (A) The buyer or renter;
 - (B) A person residing in, or intending to reside in, the housing after it is sold, rented, or made available; or
 - (C) Any person associated with the buyer or renter.
 - (8) Discriminate against any person in terms, conditions, or privileges of sale or rental of housing, or in the provisions of services or facilities in connection with such housing, because of a disability of:
 - (A) The person; or
 - (B) A person residing in, or intending to reside in, the housing after it is so sold, rented, or made available; or
 - (C) Any person associated with the person.
 - (9) For purposes of Subsections (7) and (8), above, discrimination includes:
 - (A) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (B) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy housing;
 - (C) A failure to construct a covered multifamily dwelling in accordance with the Building Code with regard to accessibility by a person with a disability.
 - (10) Discriminate by inquiring about immigration status or citizenship status in connection with the sale, lease, sublease, assignment, or other transfer of a housing unit, unless to comply with a federal or state law or a court order.
 - (11) Discriminate by requiring documentation, information, or other proof of immigration status or citizenship status, unless to comply with a federal or state law or a court order.
 - (12) Discriminate in the sale, lease, sublease, assignment, or other transfer of a housing unit by requiring proof of immigration status or citizenship status, such as a social security number, without providing an alternative that does not reveal immigration status or citizenship status, such as an individual taxpayer identification number.
 - (13) Discriminate by disclosing, reporting, or threatening to disclose or report immigration status or citizenship status to anyone, including an immigration authority, law enforcement agency, or local, state, or federal agency, for the purpose of inducing a person to vacate the housing unit or for the purpose of retaliating against a person for the filing of a claim or complaint.

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- (14) Discriminate by evicting a person from a housing unit or by otherwise attempting to obtain possession of a housing unit because of the person's immigration status or citizenship status unless the remedy is sought to comply with a federal or state law or a court order.
- (15) Nothing in this Subsection requires that housing be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (b) Discrimination based on age or familial status as defined in Section 2-186 shall not be wrongful with regard to housing operated in connection with any retirement or senior citizen home or housing which is:
- (1) Provided under any Federal or State program that the Executive Director determines, as consistent with the U.S. Department of Housing and Urban Development, is specifically designed and operated to assist elderly persons;
 - (2) Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
 - (3) Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit, provided that the housing satisfies the requirements of Title 24, Code of Federal Regulations, Section 100:304.
- (c) Discrimination shall not be wrongful with regard to the leasing of a room(s) or apartment(s) in an owner-occupied dwelling consisting of not more than three (3) rental units except as specified in (a)(4) of this Section.
- (d) No person shall coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Division.
- (e) Nothing in this Division shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of housing which it owns or operates, for other than commercial purposes, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, gender identity, immigration status, citizenship status, or source of income.
- (CB-1-1972; CB-125-1975; CB-48-1976; CB-62-1981; CB-30-1990; CB-23-1991; CB-48-1992; CB-86-1993; CB-38-2019; CB-12-2021)

Sec. 2-211. Housing loans; exception.

- (a) No lending institution shall discriminate in lending money, guaranteeing loans, purchasing loans, accepting a deed of trust or mortgage, or otherwise making available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of any housing. No lending institution shall discriminate in the fixing of the rates, terms, conditions, or provisions of any such financial assistance or in the extension of service in connection therewith, because of discrimination.
- (b) Nothing contained in this Section shall prohibit any lending institution from basing its actions on the income and financial abilities of any individual.

(CB-1-1972; CB-86-1993)

Sec. 2-211.01. Financing.

It shall be a wrongful practice in Prince George's County for any lending institution as defined in Section 2-186 of this Code to refuse to lend money, purchase a loan, guarantee a loan, or otherwise to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property, or for any other purpose, or to impose different conditions on any such financing or refuse to provide title or other insurance because of discrimination as defined in Section 2-186 of this Code.

(CB-129-1976; CB-63-1981; CB-86-1993)

Sec. 2-212. Transfer induced by discriminatory statement.

No person shall induce, directly or indirectly, any person to acquire or transfer an interest in real property which is used for the purpose of housing, by any statement regarding the existence or proximity of other real property which is or may become owned, leased, used, or occupied by any person of categories enumerated in Section 2-186(a)(3).

(CB-1-1972)

Sec. 2-213. Listing property induced by discriminatory statement.

No person shall induce, directly or indirectly, any present or prospective owner, occupant, or tenant of any real property which is used for housing to list for sale, sell, remove from a listing for sale, lease, assign, transfer, or otherwise dispose of any interest in real property which is used for purposes of housing, or to purchase, lease, or otherwise acquire any interest in real property used for the purpose of housing, by any statements, oral or written, concerning persons by categories enumerated in Section 2-186(a)(3), of the actual or prospective owner, tenants, or purchasers of any interest in real property in the vicinity thereof, which is used or may be used for purposes of housing.

(CB-1-1972)

Sec. 2-214. Discriminatory statements prohibited.

No person shall make, counsel, or cause to be made any false, reckless, or intentionally misleading statements, whether oral or written, about a change in the personal circumstances enumerated in Section 2-186(a)(3) of the occupants of any housing in a community or neighborhood, which statements are made or committed in order to obtain a listing of any real property for sale, rental, assignment, transfer, or other disposition.

(CB-1-1972)

Sec. 2-215. False or misleading signs or devices.

No person shall place a sign or display any other device which offers for sale, lease, assignment, transfer, or other disposition of any real property used for the purpose of housing, if the sign, display, or device is designed to stimulate the belief that a bona fide offer is being made to sell, lease, assign, transfer, or otherwise dispose of the property, when in fact such property is not being offered for the advertised sale, lease, assignment, or transfer.

(CB-1-1972)

Sec. 2-216. Maintenance of sale sign after sale.

No person shall maintain upon the premises of real property which is used for housing and which has, in fact, been leased, sold, assigned, transferred, or otherwise disposed of, for a period in excess of fourteen (14) days after the execution of any contract or written agreement for the sale, lease, assignment, or transfer thereof, any sign or other display, indicating that the property is still being offered for lease, sale, assignment, or transfer.

(CB-1-1972; CB-105-1981)

Sec. 2-217. Enumeration of prohibited discriminatory statements.

- (a) No person, for profit, shall induce, directly or indirectly, the sale or listing for sale of any interest in real property which is used for housing by any statement, either oral or written, that the presence, anticipated presence, ownership, or tenancy of property by persons of the circumstances enumerated in Section 2-186(a)(3) may result in:
- (1) The reduction of property values;
 - (2) A future change in the composition of the residents of a neighborhood with respect to circumstances enumerated in Section 2-186(a)(3);
 - (3) An increase in criminal or other antisocial behavior in the neighborhood wherein the property is located;
 - (4) A decline in quality of schools, churches, business establishments, or any other service provided the neighborhood.

(CB-1-1972)

Sec. 2-218. Solicitation of real estate dealings.

No person shall solicit the sale or purchase of real estate, as defined by Section 2-186(a), where such soliciting is of residential single-family units, unless such solicitation is limited to random and isolated inquiries not of a systematic design to cover a substantial section of any neighborhood for individual listings of property for sale.

(CB-1-1972)

Sec. 2-219. Civil action by owner; damages; commencement.

- (a) Any owner of a dwelling who is induced to sell his dwelling to a real estate dealer or through a real estate broker or their agents or employees by acts committed by these persons in violation of Section 2-217 or 2-218 may institute a civil action in the Circuit Court against these persons.
- (b) If, in an action instituted pursuant to Subsection (a) of this Section, judgment is rendered in favor of plaintiff, he shall be awarded damages as determined by the courts, reasonable attorney's fees and court costs.
- (c) No action shall be maintained under this Section unless commenced not later than one (1) year from the date of the sale from which liability is alleged to arise.

(CB-1-1972)

Sec. 2-219.01. Income requirements; married couples.

It shall be a wrongful practice in Prince George's County for a landlord, in determining whether a married couple meets income requirements, to refuse to consider the income of both spouses.

(CB-129-1976)

SUBDIVISION 6. PROHIBITED ACTS IN PUBLIC ACCOMMODATIONS.

Sec. 2-220. Denial of public accommodations.

No owner or operator of a place of public accommodation, located in the County, or the agent of any owner or operator of such place of public accommodation, shall deny to any person any of the accommodations, advantages, facilities, or privileges, of such a place of public accommodation because of discrimination; provided, however, that nothing in this Section shall be construed or interpreted to prohibit any owner or operator of any such establishment, or any agent or employee thereof, from the right to deny service to any person for failure to conform to the usual and regular requirements, standards and regulations for such establishment so long as the denial is not based upon discrimination as defined in Section 2-186; and provided further, however, that discrimination based on a person's disability as defined in Section 2-186 shall not be wrongful with regard to the failure of any owner or operator of any such establishment, or any agent or employee thereof, to fail or refuse to renovate, alter or modify any such establishment in order to accommodate any person with a disability, as defined herein, except as otherwise required by the Building Code for Prince George's County, Maryland.

(CB-1-1972; CB-48-1976; CB-12-2021)

Sec. 2-221. Exception to prohibition.

Section 2-220 shall not apply to a private club or similar establishment which is not in fact open to the general public, except with respect to those facilities of such club or related establishment which are made available to customers or patrons of an establishment which is subject to the provisions of this Subdivision.

(CB-1-1972)

SUBDIVISION 7. PROHIBITED ACTS IN EMPLOYMENT.

Sec. 2-222. Discrimination in employment prohibited.

No employer in the County shall discharge or refuse to hire any person, or act against any person with respect to compensation or other terms and conditions of employment, or limit, segregate, classify, or assign employees because of discrimination.

(CB-1-1972)

Sec. 2-223. Referral by employment agency.

No employment agency in the County shall fail or refuse to refer a person for employment or act against any person respecting the kind of employment for which a referral could have been made, or classify a person for employment because of discrimination.

(CB-1-1972)

Sec. 2-224. Discrimination by labor unions prohibited.

- (a) No labor organization located or domiciled in the County, with respect to the exercise of its functions and activities within the County shall:
- (1) Exclude or expel any person from its membership, or otherwise act against any person because of discrimination;
 - (2) Limit, segregate, or classify its members, classify for employment, or fail or refuse to refer for employment, any person, or in any way to deprive any person of employment opportunities, because of discrimination;
 - (3) Cause or attempt to cause any employer to discriminate against any person in violation of this Section.

(CB-1-1972)

Sec. 2-225. Discrimination in apprenticeships or training programs.

No employer in the County, any labor organization located or domiciled in the County, or any labor organization with respect to its operations and functions within the County, or joint committee composed of representatives of employers and labor organizations in the County which operates or administers a program of training apprentices or training or retraining of any employees, either at or away from a place of employment in the County, shall act against any applicant or member of any apprenticeship or training program because of discrimination.

(CB-1-1972)

Sec. 2-226. Discriminatory notices or advertisements.

No person shall print or publish, or cause to be printed or published, any notice or advertisement relating to employment which indicates a preference, limitation, or specification based upon discrimination, except where such requirement or prerequisite is a bona fide occupational qualification as set forth in this Subdivision.

(CB-1-1972)

Sec. 2-227. Exceptions to subdivision restrictions.

- (a) Nothing in this Subdivision shall prohibit the hiring, assignment, compensation, or discharge of persons by an employer, the classification or referral of persons for employment by an employment agency, the classification of members of a labor organization, or the admission to any program of apprenticeship, training, or retraining because of discrimination where it can be demonstrated that it is a bona fide occupational qualification which is reasonable, necessary, and relevant to the normal operation of a particular business or enterprise.
- (b) A school, college, university, or other educational institution may hire and employ persons of a particular religion if such school, college, university, or other educational institution is, in whole or in substantial part, owned, supported, controlled, or managed by a particular church, synagogue, mosque, temple, or other religious organization or corporation, or if the curriculum of the school, college, university, or other educational institution is designed to comply, in whole or in part, with the doctrines or tenets of a particular church, synagogue, mosque, or temple.

(CB-1-1972; CB-12-2021)

Sec. 2-228. Use of merit system standards or federal standards.

Nothing in this Subdivision shall preclude an employer from applying different standards of compensation, or different terms, conditions, and privileges of employment, which are pursuant to a merit system or seniority system, or pursuant to the provisions of Section 6(d) of the Fair Labor Standards Act (29 U.S.C. 206(d)), or a system of employment which measures earnings by quality or quantity of production, or which provides the aforesaid different standards of compensation, terms, conditions, and privileges of employment, based upon at different locations, provided that the aforesaid different standards of compensation, terms, conditions, and privileges of employment are not established for the purpose of discrimination.

(CB-1-1972)

Sec. 2-228.01. Dress and grooming code.

Nothing in this Subdivision shall preclude an employer from establishing standards concerning an employee's dress and grooming if the standards are directly related to the nature of the employment.

(CB-129-1976)

SUBDIVISION 8. DISCRIMINATION BY LAW ENFORCEMENT OFFICERS.

Sec. 2-229. Prohibited acts by law enforcement officers.

- (a) The Office of Human Rights shall have the authority to investigate, and hold a formal hearing, on any sworn complaint against any law enforcement officer operating within the County, except a complaint against a member of the Prince George's County Police Department, which alleges any of the following categories of complaints that are defined and prohibited by law or regulation:
 - (1) Police harassment;
 - (2) The excessive use of force in the performance of his or her duties;
 - (3) The use of language which would demean the inherent dignity of any person.
- (b) The Agency's staff shall, upon receipt of a sworn complaint, transmit a copy of any such complaints to the Chief of any Law Enforcement Agency involved, and the State's Attorney promptly after filing.

(CB-1-1972; CB-148-1976; CB-59-2001; CB-12-2021)

Sec. 2-230. Investigation of complaint.

- (a) If the Commission, by a majority vote of the full body, find that a complaint within one of the categories described in Section 2-186(a)(3) has merit, the Commission shall forward a request to the Law Enforcement Agency involved requesting that appropriate disciplinary action be taken and shall at the same time forward a copy of the request to the State's Attorney. The request shall set forth the facts concerning the incident and the name of the officer(s) involved, the name and address of the complaining party and all witnesses, and a copy of all information compiled by the Commission, along with a copy of the findings of facts, conclusions, and transcript of testimony if a hearing has been held by the Commission.

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- (b) The Chairperson of the Commission shall, along with the transmittal of the aforesaid documents, certify that a majority of the full body of the Commissioners has voted for a finding that there is probable cause to believe that the named officer(s) is (are) guilty of a wrongful law enforcement practice.

(CB-1-1972; CB-148-1976; CB-12-2021)

Sec. 2-231. Complaints against members of the Prince George's County police department.

Notwithstanding the provisions of Section 2-229, if a complaint received by the Office of Human Rights involves a member of the Prince George's County Police Department, the Agency shall forward a copy of the complaint and all related documents to the Chief of Police and to the Citizen Complaint Oversight Panel.

(CB-25-1990; CB-59-2001; CB-12-2021)

SUBDIVISION 9. PROHIBITED ACTS IN COMMERCIAL REAL ESTATE.

Sec. 2-231.01. Prohibited Acts in Commercial Real Estate.

- (a) It is an unlawful practice and a violation of this Division:
- (1) For any person, real estate broker, or real estate salesperson, because of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity to:
 - (A) Refuse to sell, lease, sublease, rent, assign, or otherwise transfer, or refuse to negotiate for the sale, lease, sublease, rental, assignment, or other transfer of commercial real estate, or represent that commercial real estate is not available for inspection, sale, lease, sublease, rental, assignment, or other transfer when in fact it is so available, or otherwise deny or withhold commercial real estate from any person.
 - (B) Include in the terms, conditions, or privileges of any sale, lease, sublease, rental, assignment, or other transfer of commercial real estate any clause, condition, or restriction discriminating against any person in the use or occupancy of such real estate.
 - (C) Discriminate in the furnishing of any facilities, repairs, improvements, or services, or in the terms, conditions, privileges, or tenure of occupancy.
 - (2) For any lending institution, because of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity to:
 - (A) Discriminate in lending money, guaranteeing loans, accepting a deed of trust or mortgage, or otherwise making available funds to acquire, construct, alter, rehabilitate, repair, or maintain commercial real estate.
 - (B) Discriminate in fixing the rates, terms, conditions, or provisions of any such financial assistance, or in extending service in connection therewith.
 - (3) For any person, real estate broker or real estate salesperson, with respect to any act prohibited in Subsections (a)(1) or (2), to publish or circulate, or to cause to be published or circulated, any notice, statement, listing, or advertisement, or to announce a policy, or to use any form of application for the purchase, lease, rental, or financing of commercial real estate, or to make any record or business inquiry in connection with the prospective purchase, lease, rental, or financing of commercial real

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- estate which indicates reliance on or a decision based on race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity. However, this subsection does not preclude the use of a logo or other means of advertising to advise persons with disabilities that any commercial real estate is suitable or adapted to use by persons with disabilities.
- (4) For any person to assist in, compel, or coerce the doing of any unlawful practice under this Subdivision, to obstruct or prevent enforcement or compliance with this Subdivision, or to attempt directly or indirectly to commit any unlawful practice.
- (5) For any person, real estate broker, or real estate salesperson, to:
- (A) Induce or attempt to induce, by direct or indirect methods, any person to transfer commercial real estate by representations regarding the existing or potential proximity of real estate owned, used, or occupied by any person of any particular race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity.
 - (B) Represent to any prospective purchaser or lessee that any commercial real estate in a particular area may undergo, is undergoing, or has undergone a change with respect to race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity of occupants of such area.
 - (C) Place a sign or display any other device either purporting to offer for sale, lease, assignment, transfer, or other disposition, or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of any commercial real estate that is not in fact available or offered for sale, lease, assignment, transfer, or other disposition, because of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity.
- (6) For any person, real estate broker, or real estate salesperson to deny any other person or real estate broker or real estate salesperson access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of buying, selling, or renting commercial real estate, or to discriminate against that person in the terms or conditions of such access, membership, or participation because of race, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity.
- (7) This section does not apply to religious institutions or organizations or charitable or educational organizations operated, supervised, or controlled by religious institutions or organizations which give preferences to members of the same religion in a commercial real estate transaction, as long as membership in such religion is not restricted by race, color, sex, national origin, age (except as required by State or Federal law), occupation, marital status, political opinion, personal appearance, sexual orientation, disability, familial status, or gender identity.

(CB-30-1990; CB-23-1991; CB-12-2021)

SUBDIVISION 10. FAIR CRIMINAL RECORD SCREENING STANDARDS.

Sec. 2-231.02. Legislative findings and declaration of purpose.

The County Council for Prince George's County, Maryland, hereby finds that over 92 million Americans, roughly one in three adults, have a criminal history record involving an arrest or conviction and nearly 700,000 people a year return to their communities from incarceration, and many are job seekers who are ready and able to become part of the work force; that studies indicate that job applicants are often precluded from even getting an interview when applications require disclosure of whether the applicant has a criminal record; that lack of employment is a significant cause of recidivism, which threatens public safety and disrupts the financial and general stability of affected families and communities; that increased government expenditures on law enforcement and social programs, necessitated by the inability of people with criminal records to find gainful employment, are an impediment to the County reaching its potential for economic growth; that increasing employment of people with criminal records improves public safety and reduces the financial burden on government; and that in order to effectively respond, the County Council for Prince George's County, Maryland hereby declares that it is the public policy of Prince George's County to assist in the successful reintegration of individuals with criminal records into the workforce by removing barriers to employment and enhance the health and safety of the community by assisting individuals with criminal records to lawfully provide for themselves and their families.

(CB-78-2014)

Editor's note(s)—CR-6-2015 approved rules and regulations governing the implementation and administration of the Fair Criminal Record Screening Standards.

Sec. 2-231.03. Definitions.

- (a) For purposes of this Subdivision, the following words and phrases shall have the following meanings indicated:
- (1) **Applicant** shall mean a person who is considered or who requests to be considered for employment in the County by an employer.
 - (2) **Arrest record** shall mean information indicating that a person has been apprehended, detained, taken into custody, held for investigation, or otherwise restrained by a law enforcement agency or military authority due to an accusation or suspicion that the person committed a crime.
 - (3) **Conviction record** shall mean information regarding a sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a fine, a suspended sentence, and a sentence of probation.
 - (4) **Criminal record** report shall mean a record of a person's arrest and conviction history obtained from any source.
 - (5) **Employment** shall mean:
 - (A) Any work for compensation; and
 - (B) Any form of vocational or educational training, with or without compensation.
 - (6) **Employee** shall mean a person permitted or instructed to work or be present by an employer in the County.
 - (7) **Employer** shall mean any person, individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity operating and doing business in the County that employs twenty-five (25) or more persons full-time in the County. Employer includes the County government, but does not include the United States, any State, or any other local government.

(8) **Inquiry or Inquire** shall mean any direct or indirect conduct intended to gather information, using any mode of communication.

(9) **Vulnerable adult** shall mean an adult who lacks the physical or mental capacity to provide for his or her own daily needs.

(CB-78-2014; CB-12-2021)

Editor's note(s)—CR-6-2015 approved rules and regulations governing the implementation and administration of the Fair Criminal Record Screening Standards.

Sec. 2-231.04. Prohibited inquiries; retaliation.

(a) Inquiry on application. An employer shall not require an applicant or potential applicant to disclose on an employment application the existence or details of the applicant's or potential applicant's arrest record or conviction record.

(b) Preliminary inquiry into criminal record. In connection with the proposed employment of an applicant, an employer shall not, at any time until the conclusion of a first interview:

(1) require the applicant to disclose whether the applicant has an arrest record or conviction record, or otherwise has been accused of a crime;

(2) conduct a criminal record check on the applicant; or

(3) inquire of the applicant or others about whether the applicant has an arrest or conviction record or otherwise has been accused of a crime.

(c) Retaliation. An employer shall not:

(1) retaliate against any person for:

(A) lawfully opposing any violation of this Subdivision;

(B) filing a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under this Subdivision; or

(2) obstruct or prevent enforcement or compliance with this Subdivision.

(CB-78-2014)

Editor's note(s)—CR-6-2015 approved rules and regulations governing the implementation and administration of the Fair Criminal Record Screening Standards.

Sec. 2-231.05. Employment decisions; rescission of an offer of employment based on criminal record.

(a) In making an employment decision based on an applicant's arrest record or conviction record, an employer shall conduct an individualized assessment, considering only specific offenses that may demonstrate unfitness to perform the duties of the position sought by the applicant, the time elapsed since the specific offenses, and any evidence of inaccuracy in the record.

(b) If an employer intends to rescind an offer of employment based on an item or items in the applicant's arrest record or conviction record, before rescinding the offer of employment the employer shall:

(1) provide the applicant with a copy of any criminal record report;

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- (2) notify the applicant, in writing, of the intention to rescind the offer of employment and the items that are the basis for the intention to rescind the offer of employment; and
 - (3) delay rescinding the offer of employment for seven (7) days to permit the applicant to give the employer notice of inaccuracy of an item or items on which the intention to rescind the offer of employment is based. The applicant must receive in writing from the employer his or her right under this provision.
- (c) If an employer decides to rescind an offer of employment based on the arrest record or conviction record of an applicant, the employer shall notify the applicant of the rescission of the offer of employment in writing.
- (CB-78-2014; CB-12-2021)

Editor's note(s)—CR-6-2015 approved rules and regulations governing the implementation and administration of the Fair Criminal Record Screening Standards.

Sec. 2-231.06. Exemptions.

- (a) The prohibitions and requirements of this Subdivision shall not apply if the inquiries prohibited by this Subdivision are required or expressly authorized by an applicable Federal, State, or County law or regulation.
- (b) The prohibitions and requirements of this Subdivision shall not apply to any County public safety agencies or to positions that, in the judgment of the County, have access to confidential or proprietary business or personal information, money or items of value, or involve emergency management.
- (c) The prohibitions of this Subdivision shall not apply to an employer that provides programs, services, or direct care to minors or vulnerable adults.

(CB-78-2014; CB-12-2021)

Editor's note(s)—CR-6-2015 approved rules and regulations governing the implementation and administration of the Fair Criminal Record Screening Standards.

Sec. 2-231.07. Enforcement.

- (a) The Executive Director shall administer and enforce this Subdivision.
- (b) A person aggrieved by an alleged violation of this Subdivision may file a written complaint with the Executive Director pursuant to Subtitle 2, Division 12 of the County Code.
- (c) The Executive Director shall promulgate rules and regulations, subject to County Council approval by resolution, which shall govern the implementation and administration of this Subdivision within sixty (60) days of the effective date of this Act.

(CB-78-2014; CB-12-2021)

Editor's note(s)—CR-6-2015 approved rules and regulations governing the implementation and administration of the Fair Criminal Record Screening Standards.

Sec. 2-231.08. Reporting.

- (a) The Agency shall maintain data on the number of complaints filed pursuant to this Subdivision, demographic information on the complainants, the number of investigations it conducts, and the disposition of every complaint and investigation.

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- (b) The Executive Director shall provide the County Council and County Executive an annual report on the number of complaints and the disposition of every complaint and investigation on or before December 31 beginning fiscal year 2016 and each year thereafter.

(CB-78-2014; CB-12-2021)

Editor's note(s)—CR-6-2015 approved rules and regulations governing the implementation and administration of the Fair Criminal Record Screening Standards.