

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 32

Bill No. 57-19

Introduced by Mr. Pruski, Chairman (by request of the County Executive)

and by Ms. Lacey

By the County Council, June 17, 2019

Introduced and first read on June 17, 2019
Public Hearing set for and held on July 15, 2019
Public Hearing on AMENDED bill set for and held on September 3, 2019
Bill Expires September 20, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1	AN ORDINANCE concerning: Boards, Commissions, and Similar Bodies – Human
2	Relations Commission – Discrimination in Housing
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4	FOR the purpose of establishing the Anne Arundel County Human Relations Commission;
5	designating a Human Relations Officer; allowing the Human Relations Commission
6	authority to issue subpoenas; allowing the Human Relations Officer authority to
7	administer oaths; providing for the purpose, composition, term and compensation of
8	members, meeting standards, and powers and duties of the Human Relations
9	Commission; allowing the Human Relations Commission authority to enforce Code
10	provisions relating to discrimination in housing; establishing procedures before the
11	Human Relations Commission; and generally relating to boards, commissions, and
12	similar bodies.
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14	BY repealing and reenacting, with amendments: §§ 1-2-101; and 1-2-102(a)
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16	BY adding: §§ 3-5A-101 through 3-5A-208 to be under the new title "Title 5A. Human
17	Relations Commission"
18	Anne Arundel County Code (2005, as amended)

EXPLANATION:

CAPITALS indicate new matter added to existing law.

[Brackets] indicate matter stricken from existing law.

Captions and taglines in **bold** in this bill are catchwords and are not law.

<u>Underlining</u> indicates matter added to bill by amendment. <u>Strikeover</u> indicates matter removed from bill by amendment.

1 2	SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, That Sections of the Anne Arundel County Code (2005, as amended) read as follows:
3 4	ARTICLE 1. GENERAL PROVISIONS
5	TITLE 2 CHIDDOENIAC AND OATHC
6 7	TITLE 2. SUBPOENAS AND OATHS
8	1-2-101. Subpoena powers.
9	(a) Authority to issue. A subpoena to compel the attendance of witnesses and to
10 11	require the production of records and other materials in connection with civil
12	investigations, inquiries, or hearings may be authorized by the:
13	investigations, inquiries, or nearings may be authorized by the.
14	(1) County Council;
15	(1) County Council,
16	(2) County Executive;
17	(=) County Endounted,
18	(3) Chief Administrative Officer;
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20	(4) Chief of Staff;
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22	(5) Director of Inspections and Permits;
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24	(6) Planning and Zoning Officer;
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26	(7) Administrative Hearing Officer;
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28	(8) Board of Appeals;
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30	(9) Personnel Board;
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32	(10) Director of Public Works;
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34	(11) County Auditor;
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36	(12) County Attorney; [or]
37 38	(13) HUMAN RELATIONS COMMISSION; OR
39	(13) HOMEN RELEATIONS COMMISSION, OR
40	[(13)] (14) Ethics Commission or Executive Director of the Ethics Commission.
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42	(b) Contents. A subpoena shall be directed to the Sheriff and issued by the:
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44	(1) Chair of the Board of Appeals or the Chair's designee;
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46	(2) Administrative Officer to the County Council, as directed by the County Auditor
47	or the County Council;

1	(3) Chief of Staff to the County Executive, as directed by any other officer or the
2	Personnel Board; [or]
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4	(4) HUMAN RELATIONS OFFICER; OR
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6	[(4)] (5) Chair or Executive Director of the Ethics Commission.
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8	(c) Service. A subpoena may be served by the Sheriff or by any person not less than
9 10	18 years of age who is not a party to the proceedings for which the subpoena is issued. The person effecting service shall prepare and sign an affidavit attesting to personal delivery.
11	The County Council, THE HUMAN RELATIONS COMMISSION, or the Board of Appeals may
12	supplement the provisions of this subsection by rule.
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14	1-2-102. Administration of oath.
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16	(a) Authority to administer. The County Council, County Executive, Chief
17	Administrative Officer, Chief of Staff, Director of Inspections and Permits, Planning and
18	Zoning Officer, Administrative Hearing Officer, Board of Appeals, Personnel Board,
19	Director of Public Works, County Auditor, County Attorney, Deputy County Attorneys,
20	Supervising County Attorneys, Assistant County Attorneys, HUMAN RELATIONS OFFICER,
21	Ethics Commission, and Executive Director of the Ethics Commission may administer
22	oaths to and take the testimony of any witness before them in a civil matter.
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24	ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES
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26	TITLE 5A. HUMAN RELATIONS COMMISSION
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28	SUBTITLE 1. GENERAL
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30	3-5A-101. Established.
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32	THERE IS A HUMAN RELATIONS COMMISSION TO BE KNOWN AS THE "ANNE ARUNDEL
33	COUNTY HUMAN RELATIONS COMMISSION."
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35	3-5A-102. Purpose.
36	THE DIRECT OF THE COLUMNS OF THE AND T
37 38	THE PURPOSE OF THE COMMISSION IS TO PROMOTE AND ENHANCE THE ABILITY OF ALL ANNE ARUNDEL COUNTY RESIDENTS TO PURSUE THEIR LIVES FREE OF
39	DISCRIMINATION IN HOUSING.
40	Discussion at 110 conto.
41	3-5A-103. Composition; Human Relations Officer.
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43	(A) Number and type of members.
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45	THE COMMISSION CONSISTS OF 11 VOTING MEMBERS, NOMINATED BY THE COUNTY
46	EXECUTIVE AND APPROVED BY RESOLUTION OF THE COUNTY COUNCIL. OF THE VOTING
47	MEMBERS:
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(1) SEVEN SHALL BE RESIDENTS OF THE COUNTY, WITH ONE FROM EACH COUNCILMANIC DISTRICT AND RECOMMENDED BY THE COUNTY COUNCIL MEMBER OF 50 THE DISTRICT; 51

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> 3-5A-107. Compensation. 52

THE COMMISSION.

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SERVICES.

(2) FOUR SHALL BE RESIDENTS OF THE COUNTY WHO REFLECT THE COUNTY'S ETHNIC AND MINORITY DIVERSITY; AND

(3) AT LEAST ONE MEMBER SHALL BE TRAINED IN OR HAVE EXPERIENCE WITH MEDIATION.

(B) Human Relations Officer.

- (1) THE HUMAN RELATIONS OFFICER SHALL BE A COUNTY EMPLOYEE DESIGNATED AS SUCH BY THE COUNTY EXECUTIVE.
- (2) THE HUMAN RELATIONS OFFICER SHALL BE A NON-VOTING EX OFFICIO MEMBER OF THE COMMISSION.

3-5A-104. Term of members.

- (A) Generally. THE INITIAL TERMS OF THE MEMBERS SHALL BE STAGGERED SO THAT FOUR MEMBERS SHALL SERVE INITIAL TERMS OF ONE YEAR, FOUR MEMBERS SHALL SERVE INITIAL TERMS OF TWO YEARS, AND THREE MEMBERS SHALL SERVE INITIAL TERMS OF THREE YEARS. AFTER THE EXPIRATION OF THE INITIAL TERMS, ALL MEMBERS SHALL SERVE THREE YEAR TERMS. A MEMBER WHOSE TERM HAS EXPIRED HOLDS OVER UNTIL A SUCCESSOR IS APPOINTED. MEMBERS SERVE AT THE PLEASURE OF THE COUNTY EXECUTIVE.
- (B) Removal. THE CHAIR OF THE COMMISSION MAY RECOMMEND TO THE COUNTY EXECUTIVE REMOVAL OF A MEMBER WHO MISSES MORE THAN ONE HALF OF THE MEETINGS HELD DURING A TWELVE MONTH PERIOD A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE COUNTY EXECUTIVE FOR CAUSE, INCLUDING ABSENCE FROM 25% OR MORE OF THE SCHEDULED MEETINGS AND HEARINGS OF THE COMMISSION DURING ANY 12-MONTH PERIOD.
- (C) Vacancies. VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM IN THE MANNER OF ORIGINAL APPOINTMENT.

3-5A-105. Chair.

- THE COUNTY EXECUTIVE SHALL APPOINT ONE VOTING MEMBER AS THE CHAIR OF THE COMMISSION.
- 3-5A-106. Meetings; quorum.

MARYLAND OPEN MEETINGS ACT AND THIS CODE.

(B) Quorum; majority vote. A QUORUM CONSISTS OF A MAJORITY OF THE VOTING MEMBERS. AN AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS PRESENT AT ANY MEETING AT WHICH THERE IS A QUORUM SHALL BE SUFFICIENT FOR ANY ACTION OF

REQUEST OF SIX VOTING MEMBERS, AS FREQUENTLY AS REQUIRED TO PERFORM ITS DUTIES, BUT NO LESS THAN QUARTERLY. ALL MEETINGS SHALL COMPLY WITH THE

(A) Meetings. THE COMMISSION SHALL MEET AT THE CALL OF THE CHAIR, OR AT THE

MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR

1 2	3-5A-108. Powers and duties.
3	(A) Powers. THE COMMISSION MAY:
4 5 6	(1) RECEIVE, MEDIATE, AND ADJUDICATE COMPLAINTS OF DISCRIMINATION IN HOUSING;
7 8 9	(2) INITIATE AND INVESTIGATE MATTERS RELATING TO DISCRIMINATION IN HOUSING;
10 11	(3) PROVIDE MEDIATION SERVICES;
12 13 14	(4) ADOPT RULES OF PROCEDURE AFTER POSTING THE PROPOSED RULES ON THE COUNTY'S WEBPAGE AND PROVIDING A REASONABLE PERIOD OF TIME FOR COMMENT;
15 16	(5) CONDUCT PUBLIC HEARINGS;
17 18	(6) PROVIDE TRAINING AND SEMINARS IN HUMAN RELATIONS;
19 20	(7) CONDUCT EDUCATIONAL PROGRAMS;
21 22 23 24	(8) COLLECT, RESEARCH, ASSEMBLE, ANALYZE, AND DISSEMINATE DATA AND EDUCATIONAL MATERIALS TO ASSIST IN THE ELIMINATION OF DISCRIMINATION;
25 26 27 28 29	(9) MAKE RECOMMENDATIONS TO THE COUNTY EXECUTIVE, THE COUNTY COUNCIL, AND COUNTY DEPARTMENTS AND OFFICES ON MATTERS INVOLVING HUMAN RELATIONS, INCLUDING HOUSING DISCRIMINATION, PREJUDICE, AND INTER-GROUP RELATIONS;
30 31	(10) SUGGEST PROPOSED LEGISLATION TO THE COUNTY EXECUTIVE OR THE COUNTY COUNCIL; AND
32 33 34 35	(11) COOPERATE WITH FEDERAL, STATE, AND LOCAL COMMISSIONS, AGENCIES, ORGANIZATIONS, AND GROUPS.
36 37 38 39 40	(B) Duties . ON OR BEFORE JANUARY 31 OF EACH YEAR, THE COMMISSION SHALL SUBMIT A REPORT TO THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL SETTING FORTH ITS ACCOMPLISHMENTS FOR THE PRECEDING YEAR AND ITS GOALS FOR THE FORTHCOMING YEAR.
41	SUBTITLE 2. PROCEDURES BEFORE THE HUMAN RELATIONS
42	COMMISSION
43 44	3-5A-201. Definitions.
45	5-5/A-201. Definitions.
46	IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANING INDICATED.
47 48	(1) "COMMISSION" MEANS THE HUMAN RELATIONS COMMISSION.
49 50	(2) "SERVE" MEANS TO:
51 52 53 54	(I) EMAIL, WITH A REQUEST FOR A READ RECEIPT, A COPY OF A DOCUMENT TO THE PARTIES WHEN EMAIL ADDRESSES ARE AVAILABLE; AND
55	(II) MAIL A COPY OF THE DOCUMENT TO THE PARTIES BY FIRST CLASS MAIL,

(II) MAIL A COPY OF THE DOCUMENT TO THE PARTIES BY FIRST CLASS MAIL,

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POSTAGE PREPAID; OR

 RESPECT TO THE COMMISSION'S DUTY TO SERVE THE COMPLAINT ON THE RESPONDENT UNDER § 3-5A-203(C).

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

(A) **Authority.** THE COMMISSION MAY HOLD HEARINGS REGARDING ALLEGED DISCRIMINATION IN HOUSING IN THE COUNTY THAT IS REPORTED TO OR OTHERWISE DISCOVERED BY THE COMMISSION BUT THAT IS NOT THE SUBJECT MATTER OF A COMPLAINT FILED WITH THE COMMISSION.

(III) DELIVER THE COMPLAINT IN ACCORDANCE WITH MARYLAND RULE 2-121 WITH

(B) **Purpose.** THE PURPOSE OF A HEARING UNDER SUBSECTION (A) IS TO GATHER FACTS AND MAKE NONBINDING RECOMMENDATIONS TO APPROPRIATE PERSONS OR AGENCIES.

3-5A-203. Complaints alleging discrimination in housing.

(A) **Filing and contents of complaint.** A COMPLAINT FILED WITH THE COMMISSION ALLEGING DISCRIMINATION IN HOUSING SHALL INCLUDE THE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE COMPLAINANT; THE NAME, ADDRESS, AND, IF KNOWN, THE TELEPHONE NUMBER AND EMAIL ADDRESS OF THE RESPONDENT; AND A CONCISE STATEMENT OF THE FACTS.

(B) **Time for filing.** THE COMPLAINT SHALL BE FILED NO LATER THAN THE LATER OF SIX MONTHS AFTER THE ALLEGED VIOLATION OCCURS OR SIX MONTHS AFTER THE COMPLAINANT DISCOVERS THE ALLEGED VIOLATION.

(C) **Service.** THE CHAIR OF THE COMMISSION SHALL SERVE A COPY OF THE COMPLAINT ON THE RESPONDENT.

(D) **Amendment.** THE COMPLAINANT MAY AMEND THE COMPLAINT AT ANY TIME BUT NO LATER THAN 30 DAYS BEFORE A SCHEDULED HEARING DATE.

(E) **Withdrawal; settlement.** THE COMPLAINANT MAY WITHDRAW OR SETTLE THE COMPLAINT AT ANY TIME.

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

 (A) **Sufficiency of complaint.** THE HUMAN RELATIONS OFFICER, WITHIN 30 DAYS AFTER THE FILING OF A COMPLAINT, SHALL REVIEW THE COMPLAINT TO DETERMINE WHETHER THE FACTS ALLEGED ARE SUFFICIENT TO SUPPORT A CLAIM FOR DISCRIMINATION IN HOUSING.

(B) **Dismissal.** IF THE HUMAN RELATIONS OFFICER DETERMINES THAT THE FACTS ALLEGED WOULD BE INSUFFICIENT TO ESTABLISH DISCRIMINATION IN HOUSING, THE HUMAN RELATIONS OFFICER SHALL:

(1) DISMISS THE COMPLAINT IN WRITING, SETTING FORTH THE REASONS FOR THE DISMISSAL AND A DESCRIPTION OF THE PROCESS TO SEEK RECONSIDERATION; AND

(2) SERVE A COPY OF THE DISMISSAL ON THE PARTIES.

(C) **Reconsideration.** THE COMPLAINANT MAY REQUEST RECONSIDERATION OF THE DISMISSAL BY SENDING A LETTER BY FIRST CLASS MAIL, POSTAGE PREPAID, TO THE

CHAIR OF THE COMMISSION WITHIN 15 DAYS AFTER THE DATE THAT THE DISMISSAL WAS SERVED ON THE COMPLAINANT. THE LETTER SHALL STATE THE REASONS WHY THE COMPLAINANT DISAGREES WITH THE DISMISSAL.

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(D) Decision of the Commission.

(1) IF THE VOTING MEMBERS OF THE COMMISSION DETERMINE THAT THE FACTS ALLEGED WOULD BE SUFFICIENT TO ESTABLISH DISCRIMINATION IN HOUSING, THE CHAIR SHALL REINSTATE THE COMPLAINT BY LETTER AND SERVE THE LETTER ON THE PARTIES.

 (2) IF THE VOTING MEMBERS OF THE COMMISSION DETERMINE THAT THE FACTS ALLEGED WOULD BE INSUFFICIENT TO ESTABLISH DISCRIMINATION IN HOUSING, THE CHAIR SHALL UPHOLD THE DISMISSAL BY THE HUMAN RELATIONS OFFICER BY LETTER AND SERVE THE LETTER ON THE PARTIES.

3-5A-205. Pre-hearing resolution.

(A) **Request for a meeting**. THE HUMAN RELATIONS OFFICER OR A MEMBER OF THE COMMISSION MAY REQUEST THAT THE PARTIES MEET WITH DESIGNATED MEMBERS TO DISCUSS A RESOLUTION OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT.

(B) **The meeting.** THE CHAIR OF THE COMMISSION SHALL APPOINT ONE OR MORE MEMBERS OF THE COMMISSION TO CONDUCT THE MEETING.

(C) **Results of the meeting.** If the parties agree to a resolution of the allegations at the meeting, the agreement shall be reduced to a contract signed by the complainant and the respondent. If the parties do not agree to a resolution of the allegations at the meeting, the commission shall hold a hearing on the complaint.

3-5A-206. Hearing.

(A) **Hearing panel.** THE CHAIR OF THE COMMISSION SHALL APPOINT AT LEAST THREE MEMBERS WHO DID NOT PARTICIPATE IN A PRE-HEARING MEETING UNDER § 3-5A-205 TO SERVE AS THE HEARING PANEL FOR A HEARING ON THE COMPLAINT.

(B) **Notice of hearing.** THE CHAIR SHALL SERVE A NOTICE OF THE DATE, TIME, AND PLACE OF THE HEARING ON THE PARTIES AT LEAST 15 DAYS PRIOR TO THE DATE OF HEARING.

(C) **Subpoenas**. PRIOR TO THE HEARING, AT THE REQUEST OF THE COMMISSION OR A PARTY, THE HUMAN RELATIONS OFFICER MAY ISSUE, ONE OR MORE SUBPOENAS PURSUANT TO § 1-2-101 OF THIS CODE.

(D) **Hearing.** At the Hearing, the Human relations officer shall administer the Oath to Each Witness in accordance with § 1-2-102 of this code. The Commission shall consider all relevant evidence to determine whether the respondent has engaged in one or more acts of discrimination in housing. The Burden of Proof shall be on the complainant and the Burden of Persuasion shall be by a preponderance of the evidence.

(E) **Hearing is open; authority to close.** A HEARING SHALL BE OPEN TO THE PUBLIC BUT MAY BE CLOSED IN ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE OF THE STATE CODE.

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3-5A-207. Decision and order.

(B) Finding of discrimination in housing.

(A) Dismissal. IF THE COMMISSION FINDS THAT THE RESPONDENT HAS NOT ENGAGED IN AN ACT OF DISCRIMINATION IN HOUSING, WITHIN 60 DAYS AFTER THE DATE OF THE HEARING, THE COMMISSION SHALL ISSUE A WRITTEN DECISION AND ORDER, STATING ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDERING THE DISMISSAL OF THE COMPLAINT. THE COMMISSION SHALL SERVE A COPY OF THE DISMISSAL ON THE PARTIES.

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AMENDMENTS ADOPTED: July 15, 2019

READ AND PASSED this 3rd day of September, 2019

By Order:

JoAnne Gray

Administrative Officer

(1) Decision and order. IF THE COMMISSION FINDS THAT THE RESPONDENT HAS COMMITTED ONE OR MORE ACTS OF DISCRIMINATION IN HOUSING, WITHIN 60 DAYS AFTER THE DATE OF THE HEARING, THE COMMISSION SHALL ISSUE A WRITTEN DECISION STATING ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER ANY OR ALL OF THE FOLLOWING:

(I) TO CEASE AND DESIST FROM DISCRIMINATING IN HOUSING:

- (II) TO ORDER THE RESPONDENT TO SELL OR RENT PROPERTY TO THE COMPLAINANT; OR
- (III) IMPOSING FINES OR PENALTIES NOT EXCEEDING THOSE PROVIDED IN THE FEDERAL FAIR HOUSING ACT AMENDMENTS OF 1988 FOR ENFORCEMENT OF SIMILAR FEDERAL FAIR HOUSING LAWS THAT THE VIOLATION IS A CLASS A CIVIL OFFENSE PUNISHABLE BY A CIVIL FINE AS PROVIDED BY § 9-2-101 OF THIS CODE.
- (2) Service. THE COMMISSION SHALL SERVE A COPY OF THE DECISION AND ORDER ON THE PARTIES.
- (3) **Enforcement.** IF THE TIME FOR AN APPEAL TO THE BOARD OF APPEALS HAS EXPIRED AND NO APPEAL WAS TAKEN UNDER § 3-5A-208, THE COMMISSION, THROUGH THE OFFICE OF LAW, MAY FILE A PETITION IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY TO ENFORCE AN ORDER ISSUED UNDER THIS SECTION.

3-5A-208. Appeals

(A) **Board of Appeals.** AN APPEAL OF THE DECISION AND ORDER OF THE COMMISSION SHALL BE TO THE COUNTY BOARD OF APPEALS IN ACCORDANCE WITH § 602 OF THE CHARTER AND THE APPLICABLE PROVISIONS OF THIS CODE.

COUNTY BOARD OF APPEALS IN ACCORDANCE WITH THE MARYLAND RULES.

(B) Judicial review. A PERSON MAY SEEK JUDICIAL REVIEW OF THE DECISION OF THE

PRESENTED to the County Executive for his approval this 4th day of September, 2019

JoAnne Gray

Administrative Officer

APPROVED AND ENACTED this 12

day of September, 2019

Steuart Pittman
County Executive

EFFECTIVE DATE:

OCT 2 7 2019

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. $\underline{57-19}$. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES

OF THE COUNTY COUNCIL

JoAnne Gray

Administrative Officer