



LEGISLATIVE SUMMARY

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: June 17, 2019

Subject: Bill No. 57-19: Boards, Commissions, and Similar Bodies – Human Relations Commission – Discrimination in Housing

Bill No. 57-19 creates the Human Relations Commission. The purpose of the Commission is to promote and enhance the ability of residents to pursue their lives free of discrimination in housing. This Legislative Summary addresses the major components of the Bill.

The Commission consists of 11 voting members, all of whom are residents of the County. Seven of the members are from each of the seven Councilmanic Districts and are recommended by the County Councilmember from the District. Four of the members must reflect the County's ethnic and minority diversity. All are nominated by the County Executive and confirmed by resolution of the County Council. The Human Relations Officer, a County employee designated as such by the County Executive, is an ex officio, non-voting member of the Commission.

After the initial staggered terms, members are appointed for three-year terms. The County Executive appoints the Chair. Commission meetings occur at the call of the Chair or at the request of six voting members, but meetings must occur, at a minimum, quarterly. A quorum consists of a

majority of the voting members. Members of the Commission do not receive compensation for their services. The Commission may choose to exercise any or all of the broad powers granted to it under Section 3-5A-108. The Commission must file a report with the County Executive and the County Council on or before January 31 of each year that sets forth accomplishments and goals.

The Commission may hold hearings about alleged discrimination in housing that is reported to or discovered by the Commission but that is not the subject of a complaint filed with the Commission. The purpose of the hearings is to gather facts and make non-binding recommendations to appropriate persons or agencies.

Complaints about discrimination in housing are filed with the Commission. A complaint must be filed no later than six months after the alleged violation occurred or six months after the violation was discovered, whichever is later. The Human Relations Officer conducts an initial review of the complaint to determine whether the facts alleged are sufficient to support a claim for discrimination in housing. If not, the Human Relations Officer dismisses the complaint. The Commission may reconsider the dismissal upon a complainant's request for reconsideration.

At the request of Human Relations Officer or a member of the Commission, the Commission may request that the parties meet with designated members to discuss a resolution of the allegations contained in the complaint. If the meeting is successful, the parties enter into a written contract setting forth the terms of their agreement. If the meeting is unsuccessful, the Commission proceeds to hold a hearing.

The Chair of the Commission appoints at least three members to serve as the hearing panel, but a member who participated in a pre-hearing meeting may not be appointed to the panel. The Chair serves a notice of the date, time, and place of the hearing at least 15 days before the hearing.

The Commission may issue subpoenas, at the request of a party or on its own initiative. At the hearing, the Human Relations Officer puts all witnesses under oath. (The bill contains amendments to Article 1, Title 2, relating to subpoenas and oaths, to accommodate the Commission's subpoena power and the Human Relations Officer's power to administer oaths.)

At the hearing, which is ordinarily open to the public, the Commission considers all relevant evidence to determine whether the respondent has engaged in one or more acts of discrimination in housing. Within 60 days after the date of the hearing, the Commission issues a written decision and order, stating its findings of fact and conclusions of law. If the Commission determines that the respondent has engaged in one or more acts of discrimination in housing, the Commission may order the respondent to cease and desist from discriminating, may order the respondent to sell or rent property to the complainant, or may impose certain fines or penalties. The Commission may impose any combination of these remedies.

A person aggrieved by the decision and order of the Commission may file an appeal to the Board of Appeals. If the time for an appeal to the Board of Appeals has expired, with no appeal having been filed, the Commission, represented by the Office of Law, may file an action to enforce compliance with the Commission's order if the respondent fails or refuses to comply.

A person aggrieved by a decision of the Board of Appeals may file a petition for judicial review in the Circuit Court for Anne Arundel County.