

# HOUSE BILL 1262

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By: **Delegate Hill**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Human Relations – Employment Discrimination and Discriminatory Housing**  
3 **Practices – ~~Revisions~~ Time to File Complaint**

4 FOR the purpose of ~~altering the definition of “employer” by reducing the minimum number~~  
5 ~~of employees an employer is required to have for purposes of certain provisions of~~  
6 ~~law prohibiting discrimination in employment;~~ extending the time periods within  
7 which a person claiming to be aggrieved by certain discriminatory acts is required to  
8 file a complaint with the Commission on Civil Rights; altering the date that begins  
9 the time period within which certain complaints must be filed; and generally relating  
10 to employment and housing discrimination.

11 BY repealing and reenacting, without amendments,  
12 Article – State Government  
13 Section ~~20–601(a)~~ and 20–1020(a), (b), and (e)  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – State Government  
18 Section ~~20–601(d)~~, 20–1004, and 20–1021(a)  
19 Annotated Code of Maryland  
20 (2014 Replacement Volume and 2018 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – State Government

2 ~~20-601.~~

3 ~~(a) In this subtitle the following words have the meanings indicated.~~

4 ~~(d) (1) “Employer” means:~~

5 ~~(i) a person that:~~

6 ~~1. is engaged in an industry or business; and~~

7 ~~2. has [15] FIVE or more employees for each working day in~~  
 8 ~~each of 20 or more calendar weeks in the current or preceding calendar year; and~~

9 ~~(ii) an agent of a person described in item (i) of this paragraph.~~

10 ~~(2) “Employer” includes the State to the extent provided in this title.~~

11 ~~(3) Except for a labor organization, “employer” does not include a bona fide~~  
 12 ~~private membership club that is exempt from taxation under § 501(c) of the Internal~~  
 13 ~~Revenue Code.~~

14 20-1004.

15 (a) Any person claiming to be aggrieved by an alleged discriminatory act may file  
 16 a complaint with the Commission.

17 (b) The complaint shall:

18 (1) be in writing;

19 (2) state:

20 (i) the name and address of the person or State or local unit alleged  
 21 to have committed the discriminatory act; and

22 (ii) the particulars of the alleged discriminatory act;

23 (3) contain any other information required by the Commission; and

24 (4) be signed by the complainant under oath.

25 (c) (1) **(I) A EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III)**  
 26 **OF THIS PARAGRAPH, A** complaint shall be filed within ~~{6} 18~~ months after the date on  
 27 which the alleged discriminatory act occurred.

1                   **(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**  
2 **PARAGRAPH, A COMPLAINT ALLEGING AN UNLAWFUL EMPLOYMENT PRACTICE**  
3 **SHALL BE FILED WITHIN 300 DAYS AFTER THE DATE ON WHICH THE ALLEGED**  
4 **DISCRIMINATORY ACT OCCURRED.**

5                   **(III) A COMPLAINT ALLEGING AN UNLAWFUL DISCRIMINATORY**  
6 **COMPENSATION PRACTICE UNDER § 20-607 OF THIS TITLE SHALL BE FILED WITHIN**  
7 **300 DAYS AFTER THE DATE ON WHICH THE PERSON CLAIMING TO BE AGGRIEVED**  
8 **FIRST KNEW OR SHOULD HAVE KNOWN THAT THE ALLEGED DISCRIMINATORY ACT**  
9 **OCCURRED.**

10                   (2) A complaint filed with a federal or local human relations commission  
11 within [6] ~~18 months after the date on which the alleged discriminatory act occurred~~ **THE**  
12 **APPLICABLE TIME PERIOD STATED UNDER PARAGRAPH (1) OF THIS SUBSECTION**  
13 shall be deemed to have complied with this subsection.

14                   (d) The Commission, on its own motion, and by action of at least three  
15 commissioners, may issue a complaint in its name in the same manner as if the complaint  
16 had been filed by an individual, if:

17                   (1) the Commission has received reliable information from an individual  
18 that a person has been or is engaged in a discriminatory act; and

19                   (2) after a preliminary investigation by the Commission's staff authorized  
20 by the chair or vice-chair, the Commission is satisfied that the information warrants the  
21 filing of a complaint.

22 20-1020.

23                   (a) In this part the following words have the meanings indicated.

24                   (b) "Aggrieved person" means any person that claims to have been injured by a  
25 discriminatory housing practice.

26                   (e) "Discriminatory housing practice" means an act that is prohibited under §  
27 20-705, § 20-706, § 20-707, or § 20-708 of this title.

28 20-1021.

29                   (a) (1) An aggrieved person may file a complaint with the Commission alleging  
30 a discriminatory housing practice.

31                   (2) The complaint shall be filed within [1 year] **18 MONTHS** after the  
32 alleged discriminatory housing practice occurred or terminated.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.