

CHAPTER 152

(House Bill 330)

AN ACT concerning

Howard County and Prince George's County – Discrimination Laws – Civil Actions**Ho. Co. 16-93**

FOR the purpose of authorizing a person subjected to a discriminatory act prohibited by the Howard County Code or the Prince George's County Code to bring and maintain a civil action against certain persons for damages, injunctive relief, or other relief, including attorney's fees and expert witness fees; establishing certain conditions for commencing certain civil actions and for the award of certain attorney's fees and expert witness fees; and generally relating to private causes of action in Howard County and Prince George's County concerning discriminatory actions.

BY repealing and reenacting, with amendments,
 Article 49B – Human Relations Commission
 Section 40 and 42
 Annotated Code of Maryland
 (1991 Replacement Volume and 1992 Supplement)

BY repealing and reenacting, without amendments,
 Article 49B – Human Relations Commission
 Section 41
 Annotated Code of Maryland
 (1991 Replacement Volume and 1992 Supplement)

Preamble

~~WHEREAS, On March 7, 1990 the Maryland Court of Appeals in McCrory Corp. v. Fowler invalidated Section 27-20(a) of the Montgomery County Code which provided a private cause of action for a violation of certain Montgomery County discrimination laws; and~~

~~WHEREAS, By invalidating Section 27-20(a) of the Montgomery County Code, the Court implicitly invalidated Section 12-217 of the Howard County Code, which was modeled on the Montgomery County law and which contained similar provisions; and~~

~~WHEREAS, The Maryland Court of Appeals held in McCrory that the Express Powers Act did not provide adequate authority to create private causes of action and that the creation of a new private cause of action traditionally has been the province of the General Assembly or the Court of Appeals; and~~