

Annotated Code of Maryland
(1994 Replacement Volume and 1996 Supplement)

Preamble

WHEREAS, In 1990, the Maryland Court of Appeals held in ~~McCory v. Fowler~~ McCory Corp. v. Fowler that the Express Powers Act of the Annotated Code did not provide adequate authority to create a private cause 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

WHEREAS, The General Assembly believes that it is important to provide full protection of the law to all citizens and that allowing private causes of action for violations of certain acts of discrimination prohibited by the Baltimore County Code, under certain circumstances, is appropriate; now, therefore,

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

Article 49B – Human Relations Commission

40.

(A) [This] SECTION 42 OF THIS subtitle applies in Montgomery County, Prince George's County, and Howard County.

(B) SECTION 43 OF THIS SUBTITLE APPLIES IN BALTIMORE COUNTY.

41.

In this subtitle, "prevailing party" has the meaning stated in 42 U.S.C. § 1988.

42.

(a) In MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, AND HOWARD COUNTY, IN accordance with this subtitle, a person who is subjected to an act of discrimination prohibited by the county code may bring and maintain a civil action against the person who committed the alleged discriminatory act for damages, injunctive relief, or other civil relief.

(b) (1) An action under subsection (a) of this section shall be commenced in the circuit court for the county in which the alleged discrimination took place not later than 2 years after the occurrence of the alleged discriminatory act.

(2) Subject to the provisions of paragraph (1) of this subsection, an action under subsection (a) of this section alleging employment or public accommodation discrimination may not be commenced sooner than 45 days after the aggrieved person files a complaint with the county agency responsible for handling violations of the county discrimination laws.

(3) Subject to the provisions of paragraph (1) of this subsection, an action under subsection (a) of this section alleging real estate discrimination may be commenced at any time.