

MEMORANDUM

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *AM*
Michael Faden, Senior Legislative Attorney *MF*

SUBJECT: **Public Hearing:** Bill 23-07, Non-Discrimination – Gender Identity

Bill 23-07, Non-Discrimination – Gender Identity, sponsored by Councilmembers Trachtenberg, Ervin and Elrich, was introduced on September 11, 2007. A Health and Human Services Committee worksession is tentatively scheduled for October 15.

Bill 23-07 would prohibit discrimination in housing, employment, public accommodations, cable television service, and taxicab service on the basis of gender identity by creating a protected class for transgender persons. Bill 23-07 would define “gender identity” (©5, lines 81-84):

Gender identity means an individual’s actual or perceived gender, including a person’s gender-related appearance, expression, image, identity, or behavior, whether or not those gender-related characteristics differ from the characteristics customarily associated with the person’s assigned sex at birth.

Bill 23-07 would also require employers to allow transgender people to dress according to their gender identity (see ©12, lines 271-275).

According to the National Gay and Lesbian Task Force (NGLTF), currently 13 states, the District of Columbia, and 91 local jurisdictions have enacted legislation that prohibits discrimination against transgender individuals (see ©15). This does not include jurisdictions where court or administrative rulings have determined that “sex” or “disability” discrimination laws protect transgender people. Maryland does not include transgender individuals as a protected class in the state discrimination law. Bills were introduced, but not enacted, to prohibit discrimination based on gender identity and expression.¹ In 2005, the General Assembly amended the existing state hate crimes law to add sexual orientation. As part of that amendment, the law included “gender-related identity” in the definition of “sexual orientation”.²

¹ HB 945 and SB 516 (2007).

² MD Code, Criminal Law, §10-301.

It is unclear whether the current County anti-discrimination law would cover gender identity discrimination. Staff from the County Human Rights Commission (HRC) indicated that they have pursued “a couple” discrimination claims from transgender individuals under the prohibition against sex discrimination.³ HRC staff theorized that gender identity is an issue involving sexual stereotypes, and thus could be covered by existing sex discrimination prohibition. HRC staff noted that a Utah Federal Court held that transgender discrimination is not sex discrimination under Title VII and concluded that Congress did not intend Title VII to cover transgender discrimination.⁴ If the County wants to clarify the issue, HRC staff recommended adding “gender identity” as a protected class. HRC staff expressed support for language similar to that adopted by Baltimore City in 2002.⁵

This packet contains:	<u>Circle #</u>
Bill 23-07	1
Legislative Request Report	14
NGLTF list of Jurisdictions with Explicitly Transgender-Inclusive Nondiscrimination Laws	15
Fiscal Impact Statement	16

F:\LAW\BILLS\0723 Non-Discrimination-Gender Identity\Public Hearing Memo.Doc

³ These cases were filed several years ago and HRC staff no longer has the specific case records. However, an investigator recalled that in one case, the transgender individual alleged that his employer terminated him because of his gender identity complaint. This complaint was settled before HRC staff completed the investigation.

⁴ See *Etsitty v. Utah Transit Authority*, 2005 U.S. Dist. LEXIS 12634. The case has been appealed to the 10th Circuit, but an opinion has not been issued. We did a short search for this issue and found several federal cases on point that disagreed about the proper interpretation of Title VII and Supreme Court precedent on this issue. To our knowledge, there are no decisions on point by Maryland courts.

⁵ The Baltimore City Code defines “gender identity or expression” to mean “an individual’s having or being perceived as having a gender-related self-identity, self-image, appearance, expression, or behavior, whether or not those gender-related characteristics differ from those associated with the individual’s assigned sex at birth.” Baltimore City Code, Article 4, Subtitle 1, §1-1(l-1).

Bill No. 23-07
Concerning: Non-discrimination-Gender Identity
Revised: 3/1/07 Draft No. 5
Introduced: September 11, 2007
Expires: March 11, 2009
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Trachtenberg, Ervin, and Elrich

AN ACT to:

- (1) prohibit discrimination in housing, employment, public accommodations, cable television service, and taxicab service on the basis of gender identity; and
- (2) generally amend County laws regarding discrimination.

By amending

Montgomery County Code
Chapter 8A, Cable Communications
Section 8A-15

Chapter 27, Human Rights and Civil Liberties
Sections 27-1, 27-5, 27-6, 27-11, 27-12, 27-16, 27-19, and 27-22

Chapter 53, Taxicabs and Limousines
Section 53-313

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

28 the conditions thus produced and creating conditions which endanger
 29 the public peace and order. Montgomery County's policy is to foster
 30 equal opportunity for all without regard to race, color, religious creed,
 31 ancestry, national origin, sex, marital status, age, disability, presence of
 32 children, family responsibilities, source of income, sexual orientation,
 33 gender identity, or genetic status and strictly in accord with their
 34 individual merits as human beings.

35 * * *

36 **27-5. Duties generally**

37 (a) The Commission must:

38 * * *

39 (2) Conduct educational and other programs to promote equal rights
 40 and opportunities of all persons regardless of race, color,
 41 religious creed, ancestry, national origin, sex, age, marital status,
 42 disability, sexual orientation, gender identity, genetic status,
 43 presence of children, family responsibilities, or source of income.

44 * * *

45 (6) Study and investigate, through public or private meetings,
 46 conferences, and public hearings, conditions that could result in
 47 discrimination, prejudice, intolerance, or bigotry because of race,
 48 color, religious creed, ancestry, national origin, sex, age, marital
 49 status, disability, sexual orientation, gender identity, genetic
 50 status, presence of children, family responsibilities, or source of
 51 income.

52 (7) Advise county residents, the County Council, the County
 53 Executive, and the various departments of County, State, and
 54 federal governments about racial, religious, and ethnic prejudice,
 55 intolerance, discrimination, and bigotry and recommend
 56 procedures, programs, and laws to promote and protect equal
 57 rights and opportunities for all persons, regardless of race, color,
 58 religious creed, ancestry, national origin, sex, age, marital status,
 59 disability, sexual orientation, gender identity, genetic status,
 60 presence of children, family responsibilities, or source of income.

61 * * *

62 (9) Initiate and receive complaints of discrimination, prejudice,
 63 intolerance, and bigotry from any person or group because of
 64 race, color, sex, age, marital status, religious creed, ancestry,
 65 national origin, disability, sexual orientation, gender identity,
 66 genetic status, presence of children, family responsibilities or
 67 source of income, that deprives that person or group of equal
 68 rights, protection, or opportunity in employment, real estate, and
 69 public accommodation. The Commission must:

70 * * *

71 (b) If the County Executive does not object, the Commission may conduct
 72 additional programs to relieve group tension or adverse intergroup
 73 actions resulting from causes other than race, color, sex, religious creed,
 74 ancestry, national origin, age, marital status, disability, sexual
 75 orientation, gender identity, genetic status, presence of children, family
 76 responsibilities, or source of income.

77 **27-6. Definitions**

78 The following words and phrases have the following meanings, unless the
79 context indicates otherwise:

80 * * *

81 Gender identity means an individual's actual or perceived gender, including a
82 person's gender-related appearance, expression, image, identity, or behavior, whether
83 or not those gender-related characteristics differ from the characteristics customarily
84 associated with the person's assigned sex at birth.

85 * * *

86 **27-11. Discriminatory practices**

87 (a) An owner, lessee, operator, manager, agent, or employee of any place of
88 public accommodation in the County must not, with respect to the
89 accommodation:

90 (1) make any distinction with respect to any person based on race,
91 color, sex, marital status, religious creed, ancestry, national
92 origin, disability, [or] sexual orientation, or gender identity in
93 connection with:

94 * * *

95 (2) display, circulate or publicize or cause to be displayed, circulated
96 or publicized, directly or indirectly, any notice, communication,
97 or advertisement that states or implies:

98 * * *

99 (B) that the patronage or presence of any person is unwelcome,
100 objectionable, unacceptable, or not desired or solicited on
101 account of any person's race, color, sex, marital status,
102 religious creed, ancestry, national origin, disability, [or]
103 sexual orientation, or gender identity;

104 * * *

105 **27-12. Discriminatory housing practices**

106 (a) A person must not, because of race, color, religious creed, ancestry,
 107 national origin, sex, marital status, disability, presence of children,
 108 family responsibilities, source of income, sexual orientation, gender
 109 identity, or age:

110 * * *

111 (b) A person must not, because of race, color, religious creed, ancestry,
 112 national origin, sex, marital status, disability, presence of children,
 113 family responsibilities, source of income, sexual orientation, gender
 114 identity, or age, discriminate in:

115 * * *

116 (c) Without limiting the general application of Subsection (b), a person
 117 must not, because of race, color, religious creed, ancestry, national
 118 origin, sex, marital status, disability, presence of children, family
 119 responsibilities, source of income, sexual orientation, gender identity, or
 120 age:

121 * * *

122 (d) (1) A person must not:

123 * * *

124 (C) make any record or formal business inquiry in connection
 125 with the prospective purchase, lease, rental, or financing of
 126 any housing;

127 indicating that race, color, religious creed, ancestry, national
 128 origin, sex, marital status, disability, presence of children, family
 129 responsibilities, source of income, sexual orientation, gender
 130 identity, or age could influence or affect any act described in
 131 subsections (a), (b), and (c).

* * *

- 132
- 133 (f) A person must not:
- 134 (1) directly or indirectly induce or attempt to induce any person to
- 135 transfer an interest in any housing by representations regarding
- 136 the existing or potential proximity of real property owned, used,
- 137 or occupied by any person of any particular race, sex, color,
- 138 religious creed, ancestry, national origin, disability, source of
- 139 income, sexual orientation, gender identity, age, the presence of
- 140 children, or family responsibilities.
- 141 (2) promote, induce, influence, or attempt to promote, induce, or
- 142 influence by the use of postal cards, letters, circulars, telephone,
- 143 visitation, or any other means, directly or indirectly, a property
- 144 owner, occupant, or tenant to list for sale, sell, remove from,
- 145 lease, assign, transfer, or otherwise dispose of any housing
- 146 having the effect of inciting neighborhood unrest or community
- 147 tension in any street, block, neighborhood, or any other area by
- 148 referring to the race, sex, color, religious creed, ancestry, national
- 149 origin, disability, presence of children, family responsibilities,
- 150 source of income, sexual orientation, gender identity, or age of
- 151 actual or anticipated neighbors, tenants, or other prospective
- 152 buyers or occupants of any housing.
- 153 (3) make or cause another person to make a statement or in any other
- 154 manner attempt to incite neighborhood unrest or community
- 155 tension in any street, block, neighborhood, or any other area to
- 156 obtain a listing of any housing for sale, rental, assignment,
- 157 transfer, or other disposition by referring to the race, sex, color,
- 158 religious creed, ancestry, national origin, disability, presence of

⑦

159 children, family responsibilities, source of income, sexual
 160 orientation, gender identity, or age of actual or anticipated
 161 neighbors, tenants, or other prospective buyers or occupants of
 162 any housing where the statement is false or materially misleading
 163 or where there is insufficient basis to judge its truth or falsity to
 164 warrant making the statement.

165 (4) make any representation to any prospective purchaser or lessee
 166 that any housing in a particular block, neighborhood, or area may
 167 undergo, is undergoing, or has undergone a change with respect
 168 to racial, color, religious, nationality, presence of children, family
 169 responsibilities, source of income, disability, sex, sexual
 170 orientation, gender identity, age, or ethnic composition.

171 * * *

172 (6) induce or attempt to induce the sale or listing for sale of any
 173 housing by representing that the presence or anticipated presence
 174 of persons of any particular race, sex, color, religious creed,
 175 ancestry, national origin, disability, presence of children, family
 176 responsibilities, source of income, sexual orientation, gender
 177 identity, or age in the area will or may result in:

178 * * *

179 (7) induce or attempt to induce the sale or listing for sale of any
 180 housing by representing that the presence or anticipated presence
 181 of persons of any particular race, sex, color, religious creed,
 182 ancestry, sexual orientation, gender identity, presence of children,
 183 family responsibilities, source of income, or national origin in the
 184 area will or may result in a change in the racial, color, religious,

185 age, nationality, or ethnic composition of the block,
 186 neighborhood, or area where the property is located.

187 * * *

188 (h) A person, must not because of race, color, religious creed, ancestry,
 189 national origin, sex, marital status, disability, presence of children,
 190 family responsibilities, source of income, sexual orientation, gender
 191 identity, or age deny any other person:

192 * * *

193 **27-16. Discriminatory practices in commercial real estate.**

194 (a) A person must not, because of race, color, religious creed, ancestry,
 195 national origin, sex, marital status, disability, presence of children,
 196 family responsibilities, sexual orientation, gender identity, or age:

197 * * *

198 (b) A lending institution must not, because of race, color, religious creed,
 199 ancestry, national origin, sex, marital status, disability, presence of
 200 children, family responsibilities, sexual orientation, gender identity, or
 201 age:

202 * * *

203 (c) A person must not because of race, color, religious creed, ancestry,
 204 national origin, sex, marital status, disability, presence of children,
 205 family responsibilities, source of income, sexual orientation, gender
 206 identity, or age:

207 * * *

208 (e) A person must not:
 209 (1) induce or attempt to induce, by direct or indirect methods, any
 210 person to transfer commercial real estate by representations
 211 regarding the existing or potential proximity of real estate owned,

212 used, or occupied by any person of any particular race, color,
 213 religious creed, ancestry, national origin, sex, marital status,
 214 disability, sexual orientation, gender identity, age, the presence of
 215 children, or family responsibilities;

216 (2) represent to any prospective purchaser or lessee that any
 217 commercial real estate in a particular area may undergo, is
 218 undergoing, or has undergone a change with respect to racial,
 219 color, religious creed, ancestry, nationality, marital status,
 220 disability, presence of children, family responsibilities, sex,
 221 sexual orientation, gender identity, ethnic composition, or age of
 222 occupants of the area; or

223 (3) place a sign or other display either purporting to offer for sale,
 224 lease, assignment, transfer, or other disposition, or tending to lead
 225 to the belief that a bona fide offer is being made to sell, lease,
 226 assign, transfer, or otherwise dispose of any commercial real
 227 estate that is not in fact available or offered for sale, lease,
 228 assignment, transfer, or other disposition, because of race, color,
 229 religious creed, ancestry, national origin, sex, marital status,
 230 disability, presence of children, family responsibilities, sexual
 231 orientation, gender identity, or age.

232 * * *

233 (g) A person must not because of race, color, religious creed, ancestry,
 234 national origin, sex, marital status, disability, presence of children,
 235 family responsibilities, source of income, sexual orientation, gender
 236 identity, or age:

237 * * *

238 **27-19. Discriminatory employment practices.**

239 (a) A person must not because of the race, color, religious creed, ancestry,
 240 national origin, age, sex, marital status, sexual orientation, gender
 241 identity, family responsibilities, or genetic status of any individual or
 242 disability of a qualified individual, or because of any reason that would
 243 not have been asserted but for the race, color, religious creed, ancestry,
 244 national origin, age, sex, marital status, disability, sexual orientation,
 245 gender identity, family responsibilities, or genetic status:

246 * * *

247 (d) (1) Except as provided in paragraph 2, a person must not print,
 248 publish, or cause to be printed or published, any notice or
 249 advertisement indicating any preference, limitation, or
 250 specification based on race, color, religious creed, ancestry,
 251 national origin, age, sex, marital status, disability, sexual
 252 orientation, gender identity, family responsibilities, or genetic
 253 status relating to:

254 * * *

255 (e) Notwithstanding any other provision of this division, it is not an
 256 unlawful employment practice:

257 (1) for an employer to hire and employ employees, for an
 258 employment agency to classify or refer for employment any
 259 individual, for a labor organization to classify its membership or
 260 to classify or refer for employment any individual, or for an
 261 employer, labor organization or joint labor-management
 262 committee controlling apprenticeship or other training or
 263 retraining programs, to admit or employ any individual in any
 264 program, on the basis of race, color, religious creed, age, sex,
 265 marital status, national origin, ancestry, disability, sexual

266 orientation, gender identity, family responsibilities, or genetic
 267 status based on a bona fide occupational qualification reasonably
 268 necessary to the normal operation of that particular business or
 269 enterprise;

270 * * *

271 (k) An employer may require an employee to adhere to reasonable
 272 workplace appearance, grooming, and dress standards that are not
 273 precluded by any provision of state or federal law. However, an
 274 employer must allow an employee to appear, groom, and dress
 275 consistent with the employee's gender identity.

276 **27-22. Discrimination through intimidation.**

277 A person must not: willfully and maliciously destroy, injure, or deface another
 278 person's real or personal property, or willfully and maliciously injure another person,
 279 with the intent to intimidate or attempt to intimidate any person because of race,
 280 religion, national origin, disability, [or] sexual orientation, or gender identity.

281 **53-313. Duty to accept and convey passengers.**

282 * * *

283 (b) A driver must not refuse to transport a passenger because of the
 284 passenger's disability, race, color, marital status, religious creed, age,
 285 sex, national origin, sexual orientation, gender identity, or geographic
 286 location.

287 *Approved:*

288

Marilyn J. Praisner, President, County Council

Date

289 *Approved:*

290

Isiah Leggett, County Executive

Date

291 *This is a correct copy of Council action.*

292

Linda Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 23-07, *Non-Discrimination – Gender Identity*

- DESCRIPTION:** Bill 23-07 would prohibit discrimination in housing, employment, public accommodations, cable television service, and taxicab service on the basis of gender identity.
- PROBLEM:** It is unclear whether the current County anti-discrimination law would cover gender identity discrimination.
- GOALS AND OBJECTIVES:** To explicitly prohibit discrimination on the basis of gender identity.
- COORDINATION:** Commission on Human Rights; Department of Public Works and Transportation (Taxicab Regulation); and Department of Technology Services (Office of Cable and Communication Services).
- FISCAL IMPACT:** To be requested.
- ECONOMIC IMPACT:** To be requested.
- EVALUATION:** To be requested.
- EXPERIENCE ELSEWHERE:** To be researched.
- SOURCE OF INFORMATION:** Michael Faden, Senior Legislative Attorney (240-777-7905); and Amanda Mihill, Legislative Analyst (240-777-7815).
- APPLICATION WITHIN MUNICIPALITIES:** To be researched.
- PENALTIES:** The Commission on Human Rights may order the payment of damages (other than punitive damages) and other relief that the law warrants, such as compensation, equitable relief to prevent the discrimination, consequential damages, and any other relief necessary to eliminate the effects of any discrimination prohibited under the Article.

14

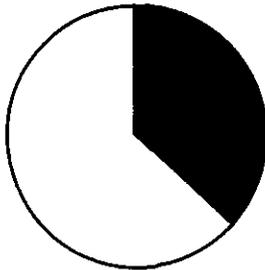
Jurisdictions with Explicitly Transgender-Inclusive Nondiscrimination Laws

National Gay and Lesbian Task Force



■ U.S. Population Covered by a Transgender-Inclusive
Nondiscrimination Law: 104,118,084 = 37%

□ U.S. Population Not Covered = 63%
(Total U.S. Population: 281,421,906)



STATE LAWS (13 and D.C.)

California – 33,871,648	Maine – 1,274,923
Colorado – 4,301,261	Minnesota – 4,919,479
District of Columbia – 572,059	New Jersey – 8,414,350
Hawai'i – 1,211,537 (housing and public accommodations only)	New Mexico – 1,819,046
Illinois – 12,419,293	Oregon – 3,421,399 ¹
Iowa – 2,926,324	Rhode Island – 1,048,319
	Vermont – 608,827
	Washington – 5,894,121

CITY AND COUNTY LAWS (91)

In Arizona Tucson: 486,699	In Illinois Carbondale: 20,681 Champaign: 67,518 Cook County: 5,376,741 Incl. Chicago: 2, 896,016 Decatur: 81,860 DeKalb: 39,018 Evanston: 74,239 Peoria: 112,936 Springfield: 111,454 Urbana: 36,395	In Michigan Ann Arbor: 114,024 East Lansing: 46,525 Ferndale: 22,105 Grand Rapids: 197,800 Huntington Woods: 6,151 Lansing: 119,128 Saugatuck: 3,590 Ypsilanti: 22,362	In New York Albany: 95,658 Buffalo: 292,648 New York City: 8,008,278 Rochester: 219,773 Suffolk County: 1,419,369 Tompkins County: 96,501 Incl. Ithaca: 28,775	In Pennsylvania Allentown: 106,632 Easton: 26,263 Erie County: 280,843 Harrisburg: 48,950 Lansdowne: 11,044 New Hope: 2,252 Philadelphia: 1,517,550 Pittsburgh: 334,563 Scranton: 76,415 Swarthmore: 6,170 West Chester: 17,861 York: 40,862
In California Los Angeles: 3,694,820 Oakland: 339,337 San Francisco: 776,733 San Diego: 1,223,400 Santa Cruz County: 55,602 Incl. Santa Cruz: 54,593 West Hollywood: 35,716	In Indiana Bloomington: 69,291 Indianapolis/Marion County ² : 781,870	In Minnesota Minneapolis: 382,618 St. Paul: 287,151	In Ohio Cincinnati: 331,285 Toledo: 313,619	In Texas Austin: 656,562 Dallas: 1,188,580 El Paso: 563,662
In Colorado Boulder: 94,673 Denver: 554,636	In Iowa Decorah: 8,172 Iowa City: 62,220 Johnson County: 21,559 ³	In Louisiana New Orleans: 484,674	In Oregon Beaverton: 76,129 Bend: 52,029 Benton County: 78,153 Hillsboro: 70,186 Lake Oswego: 35,278 Lincoln City: 7,437 Multnomah County ⁴ : 660,486 Incl. Portland: 529,121 Salem: 136,924	In Washington King County: 1,737,034 Incl. Burien: 31,881 Incl. Seattle: 563,374 Olympia: 42,514 Tacoma: 193,556
In Florida Gulfport: 12,527 Lake Worth: 35,133 Miami Beach: 87,933 Monroe County: 79,589 Incl. Key West: 25,478 West Palm Beach: 82,103	In Kentucky Covington: 43,370 Jefferson County ² : 693,604 Incl. Louisville ² : 256,231 Lexington-Fayette Urban County: 260,512	In Maryland Baltimore: 651,154	In Massachusetts Boston: 589,141 Cambridge: 101,355 Northampton: 28,978	In Wisconsin Madison: 208,054
In Georgia Atlanta: 416,474		In Missouri University City: 37,428		

¹The Oregon law takes effect January 1, 2008, but may face a challenge if opposition succeeds getting it placed on a ballot measure.

²Metro Louisville, the merged Louisville and Jefferson County government, repassed and combined these laws in 2004 to apply to Metro Louisville. Indianapolis and Marion County's shared governmental structure passed this law.

³The law passed in Johnson County only applies to unincorporated areas of the county, population 21,559, although the national statistics are unaffected because Iowa now has a statewide law.

⁴2,135 Portlanders live outside of Multnomah County and that 2,274 Lake Oswegoans live inside of Multnomah County, however this doesn't affect the national statistics because Oregon now has a statewide law.

NOTE: Only laws that reach private entities are included above. Additional states and cities have policies against discrimination against public employees. Population data from 2000 Census. Last updated July 2007.

15



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM

September 28, 2007

TO: Marilyn J. Praisner, Council President
FROM: Joseph F. Beach, Director, Office of Management and Budget
SUBJECT: Council Bill 23-07, Non-Discrimination -- Gender Identity

RECEIVED
MONTGOMERY COUNTY
COUNCIL
2007 SEP 28 PM 1:31

The purpose of this memorandum is to transmit a fiscal impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

Bill 23-07 would prohibit discrimination in housing, employment, public accommodations, cable television service, and taxicab service on the basis of gender identity and would require employers to allow transgender people to dress according to their gender identity. Bill 23-07 defines "gender identity" as:

An individual's actual or perceived gender, including a person's gender-related appearance, expression, image, identity, or behavior, whether or not those gender-related characteristics differ from the characteristics customarily associated with the person's assigned sex at birth.

FISCAL SUMMARY

The Office of Human Rights has been accepting "gender identity" complaints under the "sex" discrimination category for a few years. The "gender identity" complaints were all resolved and the cases were closed. The office does not expect its current caseload to increase significantly should gender identity be added to the list of protracted classes in Montgomery County. The office does expect its printing budget to be affected as a result of the legislation because the office would have to reprint all of the employment discrimination posters that employers are required to post by Chapter 27, Article I, § 27-20, Montgomery County Code and all of the informational brochures that are distributed to the public. The office provided a rough estimate of \$20,000 to reprint the posters and informational brochures. The office would attempt to mitigate some of the printing expenses by placing the new poster on the office's website for downloads and mail notices to employers and to the public about the new law.

Phil Weeda of the Office of Management and Budget and Michael Dennis of the Office of Human Rights contributed to and concurred with this analysis.

Jfb: pw

Office of the Director

16