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

Chapter 53, Taxicabs and Limousines
Section 53-313

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

8A-15. Service discrimination and exclusive programming agreements prohibited

(a) Unless approved by the County and to the extent consistent with federal law, a franchisee must not, in its rates or charges, or in the availability of the services or facilities of its system, or in any other respect, grant undue preferences or advantages to any subscriber or potential subscriber, or to any user or potential user, nor subject any of these persons to any undue prejudice or any disadvantage. A franchisee must have a uniform rate structure for its services throughout the franchise area. A franchisee must not deny, delay, or otherwise burden service or discriminate against subscribers or users on the basis of age, race, religion, color, sex, sexual orientation, gender identity, handicap, national origin, or marital status, except for discounts for the elderly and handicapped

*   *   *

27-1. Statement of Policy

(a) The County Council finds that discrimination because of race, color, religious creed, ancestry, national origin, age, sex, marital status, disability, genetic status, presence of children, family responsibilities, source of income, [or] sexual orientation, or gender identity adversely affects the health, welfare, peace, and safety of the community. Persons subject to discrimination suffer unemployment and under employment resulting in low family income, overcrowded housing, poor health conditions, antisocial behavior, poverty, and lack of hope, injuring the public welfare, placing a burden upon the public treasury to ameliorate
the conditions thus produced and creating conditions which endanger
the public peace and order. Montgomery County's policy is to foster
equal opportunity for all without regard to race, color, religious creed,
ancestry, national origin, sex, marital status, age, disability, presence of
children, family responsibilities, source of income, sexual orientation,
gender identity, or genetic status and strictly in accord with their
individual merits as human beings.

* * *

27-5. Duties generally

(a) The Commission must:

* * *

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

* * *

(6) Study and investigate, through public or private meetings,
conferences, and public hearings, conditions that could result in
discrimination, prejudice, intolerance; or bigotry because of race,
color, religious creed, ancestry, national origin, sex, age, marital
status, disability, sexual orientation, gender identity, genetic
status, presence of children, family responsibilities, or source of
income.
(7) Advise county residents, the County Council, the County Executive, and the various departments of County, State, and federal governments about racial, religious, and ethnic prejudice, intolerance, discrimination, and bigotry and recommend procedures, programs, and laws to promote and protect equal rights and opportunities for all persons, regardless of race, color, religious creed, ancestry, national origin, sex, age, marital status, disability, sexual orientation, gender identity, genetic status, presence of children, family responsibilities, or source of income.

* * *

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

* * *

(b) If the County Executive does not object, the Commission may conduct additional programs to relieve group tension or adverse intergroup actions resulting from causes other than race, color, sex, religious creed, ancestry, national origin, age, marital status, disability, sexual orientation, gender identity, genetic status, presence of children, family responsibilities, or source of income.
27-6. Definitions

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

* * *

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.

* * *

27-10. Scope.

* * *

(c) [Except as provided in Section 27-11(c) and 27-11(d), this]

This division does not apply to accommodations that are distinctly private or personal.

27-11. Discriminatory practices

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

(1) make any distinction with respect to any person based on race, color, sex, marital status, religious creed, ancestry, national origin, disability, or gender identity in connection with:

* * *

(2) display, circulate or publicize or cause to be displayed, circulated or publicized, directly or indirectly, any notice, communication, or advertisement that states or implies:
(B) that the patronage or presence of any person is unwelcome, objectionable, unacceptable, or not desired or solicited on account of any person's race, color, sex, marital status, religious creed, ancestry, national origin, disability, gender identity, or sexual orientation;

[(c) A person must not deny any person access to the equal use of any restroom, shower, dressing room, locker room, or similar facility associated with the gender identity that the person publicly or exclusively expresses or asserts.]]

27-12. Discriminatory housing practices

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

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

(c) Without limiting the general application of Subsection (b), a person must not, because of race, color, religious creed, ancestry, national origin, sex, marital status, disability, presence of children, family responsibilities, source of income, sexual orientation, gender identity, or age:
(d) (1) A person must not:

(C) make any record or formal business inquiry in connection with the prospective purchase, lease, rental, or financing of any housing; indicating that race, color, religious creed, ancestry, national origin, sex, marital status, disability, presence of children, family responsibilities, source of income, sexual orientation, gender identity, or age could influence or affect any act described in subsections (a), (b), and (c).

(f) A person must not:

(1) directly or indirectly induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of real property owned, used, or occupied by any person of any particular race, sex, color, religious creed, ancestry, national origin, disability, source of income, sexual orientation, gender identity, age, the presence of children, or family responsibilities.

(2) promote, induce, influence, or attempt to promote, induce, or influence by the use of postal cards, letters, circulars, telephone, visitation, or any other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease, assign, transfer, or otherwise dispose of any housing having the effect of inciting neighborhood unrest or community tension in any street, block, neighborhood, or any other area by
referring to the race, sex, color, religious creed, ancestry, national origin, disability, presence of children, family responsibilities, source of income, sexual orientation, gender identity, or age of actual or anticipated neighbors, tenants, or other prospective buyers or occupants of any housing.

(3) make or cause another person to make a statement or in any other manner attempt to incite neighborhood unrest or community tension in any street, block, neighborhood, or any other area to obtain a listing of any housing for sale, rental, assignment, transfer, or other disposition by referring to the race, sex, color, religious creed, ancestry, national origin, disability, presence of children, family responsibilities, source of income, sexual orientation, gender identity, or age of actual or anticipated neighbors, tenants, or other prospective buyers or occupants of any housing where the statement is false or materially misleading or where there is insufficient basis to judge its truth or falsity to warrant making the statement.

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

* * *

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

* * *

(7) induce or attempt to induce the sale or listing for sale of any housing by representing that the presence or anticipated presence of persons of any particular race, sex, color, religious creed, ancestry, sexual orientation, gender identity, presence of children, family responsibilities, source of income, or national origin in the area will or may result in a change in the racial, color, religious, age, nationality, or ethnic composition of the block, neighborhood, or area where the property is located:

* * *

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

* * *


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

* * *

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

(e) A person must not:

(1) induce or attempt to induce, by direct or indirect methods, any person to transfer commercial real estate by representations regarding the existing or potential proximity of real estate owned, used, or occupied by any person of any particular race, color, religious creed, ancestry, national origin, sex, marital status, disability, sexual orientation, gender identity, age, the presence of children, or family responsibilities;

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

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

* * *

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

* * *


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

(1) For an employer:

* * *

[(C) deny any person access to the equal use of any restroom, shower, dressing room, locker room, or similar facility associated with the gender identity that the person publicly or exclusively expresses or asserts.]

* * *

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

*   *   *

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

(1) for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs, to admit or employ any individual in any program, on the basis of race, color, religious creed, age, sex, marital status, national origin, ancestry, disability, sexual orientation, gender identity, family responsibilities, or genetic status based on a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise;

*   *   *

(k) An employer may require an employee to adhere to reasonable workplace appearance, grooming, and dress standards that are nondiscriminatory and not precluded by any provision of state or federal law. However, an employer must allow an employee to appear, groom, and dress consistent with the employee’s gender identity.
27-22. Discrimination through intimidation.

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

53-313. Duty to accept and convey passengers.

* * *

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

Approved:

Marilyn J. Praisner, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda Lauer, Clerk of the Council

Date