



**MARCH 11, 2014**  
**CITY OF COLLEGE PARK**  
**COUNCIL CHAMBERS**

**7:30 P.M.**  
**MAYOR AND COUNCIL MEETING**  
**AGENDA**

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Stullich

ROLL CALL

MINUTES: February 25, 2014 Regular Meeting

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS

AWARDS

PROCLAMATIONS

AMENDMENTS TO THE AGENDA

CITY MANAGER'S REPORT: Joe Nagro

STUDENT LIAISON'S REPORT: Catherine McGrath

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

- Gloria Aparicio-Blackwell and Emily Adams from the UMD Office of Community Engagement: Good Neighbor Day – Saturday, March 29

PRESENTATIONS

**CONSENT AGENDA**

14-R-04 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Appeal Number CEO-2014-01, 9801 51<sup>st</sup> Avenue, College Park, Maryland, Denying A Variance From The Requirements Of The Prince George's County Zoning Ordinance, Section 27-420 (A), Approving A Variance From The Requirements

Motion by:  
To: Adopt  
Second:  
Aye: \_\_\_\_  
Nay: \_\_\_\_  
Other: \_\_\_\_\_

Of City Code §87-23 C To Permit The Construction Of A Fence Within The 25-Foot Side Yard Setback, Where The Side Lot Line Is A Continuation Of The Front Yard Line Of The Adjacent Lot And Approving With A Condition A Variance From The Requirements Of City Code §87-23 F To Permit The Reconstruction Of An Existing Fence To Increase The Height By One Foot.

- 14-G-32 Approval of the City's participation in the 3<sup>rd</sup> Annual Mayor's Challenge for Water Conservation
- 14-G-33 Approval of a letter to Prince George's County formally requesting a TIF for undergrounding utilities on US 1

### ACTION ITEMS

- 14-G-34 Appointments to Boards and Committees

Motion by:  
To:  
Second:  
Aye: \_\_\_ Nay: \_\_\_  
Other: \_\_\_\_\_

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

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### INFORMATION/STATUS REPORTS FOR COUNCIL REVIEW

- 1. State Legislation Update – Bill Gardiner, Assistant City Manager

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In accordance with the Americans With Disabilities Act, if you need special assistance, you may contact the City Clerk's Office at 240-487-3501 and describe the assistance that is necessary. This agenda is subject to change. For current information, please contact the City Clerk.

# MINUTES

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, February 25, 2014**  
**7:30 p.m. – 8:04 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

**ABSENT:** None.

**ALSO PRESENT:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Steve Groh, Director of Finance; Jill Clements, Director of Human Resources; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Catherine McGrath, Student Liaison.

Mayor Fellows opened the Regular Meeting at 7:30 p.m. Councilmember Dennis led the Pledge of Allegiance.

**Minutes:** A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to approve the minutes of the Special Session on February 4, 2014, the Public Hearing on 13-CR-03 on February 11, 2014, and the Regular Meeting on February 11, 2014. The motion passed 8 – 0 – 0.

**Announcements:** Councilmember Mitchell announced the passing of former Riverdale Park official Guy Tiberio.

Councilmember Wojahn said the CBE will show the movie, “Forks over Knives” at City Hall on Saturday.

**Amendments to the Agenda:** None.

**City Manager’s Report:** Mr. Nagro discussed the impact of the many recent snow events on the City budget and salt supply.

**Student Liaison’s Report:** Ms. McGrath said this Friday is USM Lobby Day in Annapolis to rally in favor of keeping tuition low; next Wednesday March 5 is Legislative Ice Cream Day in Annapolis, where they will also support some of the City’s initiatives.

**Comments from the Audience on Non-Agenda Items:** None.

**CONSENT AGENDA:** A motion was made by Councilmember Dennis and seconded by Councilmember Kabir to adopt the Consent Agenda, which consisted of the following:

- 14-G-22      Spring Field Use Request by the College Park Boys and Girls Club for Calvert Road Field, Duvall Field and concession stand**
- 14-G-26      Letter in support of SB 601, Business and Economic Development - Maryland E-Innovation Initiative Program**
- 14-G-27      Letter in support of HB 1049, Prince George's County - Authority to Impose Fees for Use of Disposable Bags PG 402-14**
- 14-G-28      Letter in support of CB-7-2014, A Resolution for the purpose of establishing a Prince George's County Science and Technology Business District.**

**The motion carried 8-0-0.**

#### **ACTION ITEMS**

- 14-G-25      Letter of support for a LIDC Grant Application to National Fish and Wildlife Foundation for "Green Infrastructure Plan for Rhode Island Avenue"**

**A motion was made by Councilmember Stulich and seconded by Councilmember Mitchell to send a letter in support of an LIDC Grant Application to National Fish and Wildlife Foundation for "Green Infrastructure Plan for Rhode Island Avenue."**

There were no comments from the audience or from the Council.

**The motion passed 8 – 0 – 0.**

- 14-G-29      Approval of a letter to State Highway Administration with comments on proposed improvements to MD 430 (Greenbelt Road)**

**A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to approve a letter to the State Highway Administration in substantially the form as attached with comments on their proposed improvements to MD 430.**

Councilmember Brennan said College Park has an obligation to advocate for safer and more pedestrian friendly roads and walkways in the City since many roads are under the jurisdiction of the County and State. Greenbelt Road is often used as a speedy exit ramp from MD 193 to US Route 1, and he is not confident that the plan proposed by SHA does enough to ease traffic, reduce speeds and encourage a safe pedestrian experience. He believes this area of road needs more than the standard solution to make it safer and more interconnected.

There were no comments from the audience.

Councilmember Wojahn suggested some revisions to the letter, including specifying the intersections of Rhode Island Avenue and Greenbelt Road, and southbound 48<sup>th</sup> Avenue and Greenbelt Road, as particularly problematic. After discussion, it was agreed to incorporate those

suggestions into this letter, but an additional suggestion requesting that SHA provide bicycle signal priority from southbound Rhode Island Avenue crossing MD 193 will be the topic of a separate letter because that is beyond the scope of this project. Councilmember Wojahn will work with staff on this second letter [14-G-35].

**The motion passed 8 – 0 – 0.**

**14-G-23 Letter in support of SB 600, Regional Institutions Strategic Enterprise Zone Program, with amendments**

**A motion was made by Councilmember Stullich and seconded by Councilmember Day that the City Council send correspondence to the relevant Maryland General Assembly Committees and other elected officials stating the City's support with amendments of the RISE legislation (Regional Institutions Strategic Enterprise Zone Program) that would create state and local incentives in designated areas near universities.**

Councilmember Stullich stated this is a potential new tool for City-University collaboration to improve our community as a whole. This legislation is intended to attract innovative economic development initiatives. However, there are some specific concerns about the legislation as it was originally drafted, so the City is proposing amendments to the bill that would require that local governments are part of any application for a RISE zone that includes tax credits against its real property tax rate; local government consent to provide tax credits; and State reimbursement for one-half of the tax credits provided. With these amendments this could be a great tool to attract high quality development, and it's important that the City be part of the decision-making and approval process and has some protection against the economic impact.

There were no comments from the audience or from the Council.

**The motion passed 8 – 0 – 0.**

**14-G-24 Appointments to Boards and Committees**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Stullich to reappoint Sen. Jim Rosapepe as a Class B Director to the College Park City University Partnership. The motion passed 8 – 0 – 0.**

**COUNCIL COMMENTS:**

Councilmember Mitchell reminded Council that the University is hosting a special tour for the National League of Cities conference on Tuesday from 2 – 5.

Councilmember Stullich announced the dates for the 2014 Neighborhood Stabilization Committee meetings: April 7, June 16, September 8, and December 1. These meetings will involve the full Council, so we want to announce the dates in advance. Additional appointments to the committee are forthcoming.

**ADJOURN:**

**A motion was made by Councilmember Stulich and seconded by Councilmember Mitchell to adjourn the regular meeting and to convene in a closed session to: Consult with Counsel on a legal matter, consider the acquisition or sale of real property for a public purpose, consider a matter that concerns the proposal for a business to locate in the County, and consider the investment of public funds. Mayor Fellows announced that the Council will not return to public session. With a vote of 8 – 0 – 0, Mayor Fellows adjourned the Regular Meeting at 8:04 p.m.**

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Janeen S. Miller, CMC City Clerk	Date Approved
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Pursuant to §10-503 of the State Government Article of the Annotated Code of Maryland, the College Park City Council met in administrative function session on February 25, 2014 from 7:00 p.m. – 7:15 p.m. in the Council Chambers at College Park City Hall. The meeting was not open to the public.

Motion to convene the Administrative Session by Councilmember Dennis and seconded by Councilmember Day. Motion carried 5 – 0 – 0 (Hew, Wojahn and Stulich arrived later).

Present: Mayor Fellows, Councilmembers Kabir, Wojahn (7:05 p.m.), Dennis, Brennan, Stulich (7:10 p.m.), Day, Hew (7:04 p.m.) and Mitchell.

Topic Discussed:

- 1) The Human Resources Director made a presentation to Mayor and Council as City employees about the upcoming employee vote about joining the Maryland State Retirement Plan, answered questions, and provided the voting ballots.

Motion to adjourn the Administrative Session at 7:15 p.m. by Councilmember Mitchell, seconded by Councilmember Day.

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Pursuant to §C6-3 of the College Park City Charter, at 8:04 p.m. on February 25, 2014, in the Council Chambers of City Hall, a motion was made by Councilmember Stulich and seconded by Councilmember Mitchell to enter into an Executive Session for the following reasons:

1. Consult with Counsel on a legal matter
2. Consider the acquisition or sale of real property for a public purpose
3. Consider a matter that concerns the proposal for a business to locate in the County

4. Consider the investment of public funds

The motion passed 8 – 0 – 0.

**Present:** Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

**Absent:** None.

**Also Present:** Joe Nagro, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Steve Groh, Director of Finance; Catherine McGrath, Student Liaison.

**Topics Discussed:** Downtown US 1 Development options including possible locations for City Hall, College Park Academy, and faculty/staff housing; financing options for potential public projects.

**Actions Taken:** None.

**Adjourn:** A motion was made by Councilmember Day and seconded by Councilmember Kabir to adjourn the Executive Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the Executive Session at 10:25 p.m.

**14-R-04**



Office of the Mayor and Council  
City of College Park  
4500 Knox Road  
College Park, Maryland 20740  
Telephone: (240) 487-3501  
Facsimile: (301) 699-8029

**NOTICE OF FINAL DECISION  
of the  
MAYOR AND COUNCIL  
of the  
CITY OF COLLEGE PARK**

RE: Case No. CEO-2014-01 Name: Jose and Gloria Medina

Address: 9801 51<sup>st</sup> Avenue, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

March 11, 2014.

**CERTIFICATE OF SERVICE**

This is to certify that on March 13, 2014, the attached Resolution was mailed, postage prepaid, to all persons of record.

**NOTICE**

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

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Janeen S. Miller, CMC  
City Clerk

Copies to: Advisory Planning Commission  
City Attorney  
Applicant  
Parties of Record

PG Co. DER, Permits & Review Section  
M-NCPPC, Development Review Division  
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING COMMISSION REGARDING APPEAL NUMBER CEO-2014-01, 9801 51<sup>st</sup> AVENUE, COLLEGE PARK, MARYLAND, DENYING A VARIANCE FROM THE REQUIREMENTS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, SECTION 27-420 (A), APPROVING A VARIANCE FROM THE REQUIREMENTS OF CITY CODE §87-23 C TO PERMIT THE CONSTRUCTION OF A FENCE WITHIN THE 25-FOOT SIDE YARD SETBACK, WHERE THE SIDE LOT LINE IS A CONTINUATION OF THE FRONT YARD LINE OF THE ADJACENT LOT AND APPROVING WITH A CONDITION A VARIANCE FROM THE REQUIREMENTS OF CITY CODE §87-23 F TO PERMIT THE RECONSTRUCTION OF AN EXISTING FENCE TO INCREASE THE HEIGHT BY ONE FOOT.**

- WHEREAS,** the City of College Park, Maryland (hereinafter, the "City") has, pursuant to Ordinance Number 11-O-03 (hereinafter, the "Ordinance"), and in accordance with Section 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted an ordinance which sets forth procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot size, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by the Ordinance to grant an application for a waiver or variance for lot size, setback, and similar requirements where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission (hereinafter "APC") is authorized by the Ordinance to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and other requirements from which a variance may be granted by the Prince George's County Board of Appeals, including variances from Section 27-420 (a) of the Prince George's County Zoning Ordinance, and to make recommendations to the Mayor and Council in connection therewith; and
- WHEREAS,** pursuant to §15-19 of the Code of the City of College Park (the "City Code") the Advisory Planning Commission ("APC") is authorized to hear variances; and

**WHEREAS,** the City has adopted Section 87-23 “Fences” (hereinafter, the “Fence Ordinance”), and established certain restrictions on the construction and reconstruction of fences on residential properties, including a prohibition on front yard fences and side yard fences where the side lot line is a continuation of the front yard line of the adjacent lot; and

**WHEREAS,** the APC is authorized by the Fence Ordinance to grant a variance where, by reason of extraordinary situation or condition, the strict application of the Fence Ordinance would result in peculiar and unusual practical difficulty to or an exceptional or undue hardship upon the owner of the property, if a variance can be granted without substantial impairment of the intent, purpose and integrity of the Fence Ordinance; and where, if applicable, the variance is consistent with the Design Guidelines adopted for the Historic District; the variance will not adversely affect the public health, safety, welfare, or comfort; the fence for which a variance is requested incorporates openness and visibility as much as is practicable, provided that the fence shall not be constructed of chain link unless the material is consistent with the surrounding neighborhood; and the fence construction, including setbacks, is characteristic of and consistent with the surrounding neighborhood. In neighborhoods where chain link is a characteristic material, alternate materials incorporating openness and visibility may be permitted; and

**WHEREAS,** the APC is authorized by the Ordinance to hear requests for variances from the terms of the Zoning Ordinance with respect to fence regulations, including variances from Section 27-420 (a) of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and

**WHEREAS,** the Mayor and Council are authorized by the Ordinance to accept or deny the recommendation of the APC with respect to variance requests; and

**WHEREAS,** on December 26, 2013, Jose and Gloria Medina (hereinafter, the “Applicants”), submitted a variance application from Prince George’s County Zoning Ordinance, Section 27-420 (a) which restricts fences in the front yard and side yard of corner lots to a height of four feet, from City Code, §87-23, Paragraph C, which requires construction of side yard fences to be set back twenty-five feet where the side lot line is a continuation of the front yard line of the adjacent lot and from City Code, §87-23, Paragraph F, which requires when reconstructing an existing fence, that the replacement fence be of the same dimensions and placement. The specific requests are for variances from the requirements set forth in the Prince George’s County Zoning Ordinance, Section 27-420 (a), and the City Fence Ordinance, Chapter 87, Section 23, Paragraph C and Paragraph F in order to construct a six-foot high L-shaped, wood, stockade fence in the side street yard at the premises know as 9801 51<sup>st</sup> Avenue, College Park Maryland (the “Property”); and

**WHEREAS,** on February 6, 2014, the APC conducted a hearing on the merits of the variances, at which time the APC heard testimony and accepted evidence, including the staff report and Exhibits 1 –9, with respect to whether the subject application meets the standards for granting a variance set forth in the Fence Ordinance; and

- WHEREAS,** based upon the evidence and testimony presented, the APC voted 5-0-0 to recommend that the variance to construct a 6 foot tall fence be denied, and that the variance to reconstruct the fence with a one foot addition to four feet in height be approved with conditions; and
- WHEREAS,** the Mayor and Council have reviewed the recommendation of the APC as to the Application and in particular have reviewed the APC's findings of fact and conclusions of law; and
- WHEREAS,** no exceptions have been filed; and
- WHEREAS,** the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC as to the Application as follows:

Section 1 Findings of fact:

- 1.1 The property is a corner lot and is located at the northeast corner of 51<sup>st</sup> Avenue and Mangum Road. The legal front is 51<sup>st</sup> Avenue.
- 1.2 The area of the property is 6,076 square feet.
- 1.3 The front (western) property line measures 50 feet (excluding the radius); the rear (eastern) property line measures 60 feet; the side (northern) property line measures 100 feet; and the side street (southern) property line measures approximately 85 feet (excluding the radius).
- 1.4 The property is improved with a one-story single-family home.
- 1.5 The backyard is a recreational/childcare area consisting of a trampoline, two basketball nets, a swing-set, a covered deck and a shed.
- 1.6 The property has an existing 3-foot high chain-link fence along the front yard, southern side yard and part of the northern side yard property lines; and a brick fence along the rear property line and part of the northern side yard.
- 1.7 The applicant installed a 6-foot high, stockade fence running perpendicular to Mangum Road and parallel to 51<sup>st</sup> Avenue without a permit.
- 1.8 A stop work order was posted on Dec. 5, 2013.
- 1.9 The applicant applied for a County fence permit on Dec. 12, 2013 but was referred for a variance to the City on Dec. 26, 2013.
- 1.10 The surrounding neighborhood is single-family residential.
- 1.11 Chain link fences are a characteristic material in the neighborhood. Stockade and board-on-board fences are occasionally found in the surrounding neighborhood and are generally located in the rear or side yards of properties.

Section 2 Conclusions of Law

With regard to CEO-2014-01 for height variance and a setback variance to install an L-shaped, 6-foot high, stockade fence in the side yard.

2.1 *The Property has an exceptional or extraordinary situation.*

A. Height Variance. There is no exceptional or extraordinary condition to support the 2-foot variance to permit a 6-foot high fence.

B. Setback Variance. The main segment of fence is a replacement fence which is permitted at the existing location at the property line. As for the smaller segment of fence, perpendicular to Mangum Road, the property is a corner side street lot with an unusually large side yard. This is an extraordinary condition that makes visibility of the entire yard more difficult particularly while supervising children.

2.2 *The denial of the variance would result in a peculiar and unusual practical difficulty to, or exceptional or undue hardship to the property owner.*

A. Height Variance. There is no peculiar or unusual practical difficulty to support the 2-foot variance to permit a 6-foot high fence. A lower, 4-foot high fence should reasonably serve the stated purpose of protecting children from running into the street.

B. Setback Variance. The main segment of fence is a replacement fence which is permitted at the existing location at the property line. As for the smaller segment of fence, perpendicular to Mangum Road, the property is a corner side street lot with an unusually large side yard. Denial of the variance would result in an unusual practical difficulty in that it would make monitoring children at play particularly difficult.

2.3 *Granting the variance will impair the intent, purpose or integrity of the Fence Ordinance.*

A. Height Variance. Granting the variance will adversely impact the intent, purpose and integrity of the City's Fence Ordinance. The Fence Ordinance was enacted to preserve and protect the character of residential neighborhoods in the City. The requested height variance is not the minimum necessary.

B. Setback Variance. The main segment of fence is a replacement fence which is permitted at the existing location at the property line. As for the smaller segment of fence, this segment will have less of a setback impact due to its location perpendicular to Mangum Road.

2.4 *The variance is consistent with the design guidelines adopted for the historic district, if applicable.* Not applicable, the property is not located in an historic district.

2.5 *The variance will adversely affect the public health, safety, welfare or comfort.*

A. Height Variance. Granting the variance will adversely affect the public safety and comfort by limiting visibility for pedestrians and motorists travelling down Mangum Road. A lower and more open fence would help lessen this effect.

B. Setback Variance. The main segment of fence is permitted at the existing location at the property line. As for the smaller segment of fence, granting the setback variance for this segment of fence will not adversely affect the public health, safety, welfare and comfort, if a shorter (four-foot high), and more open fence is installed.

2.6 *The fence for which an appeal is requested incorporates openness and visibility as much as is practicable, provided however, that it shall not be constructed of chain link unless this material is consistent with the surrounding neighborhood.*

The proposed fence, a 6-foot high solid, wood, stockade fence does not incorporate openness and visibility, as much as practical.

2.7 *The proposed construction, including setbacks, is characteristic of and consistent with the surrounding neighborhood. In neighborhoods where chain link is a characteristic material, alternate materials incorporating openness and visibility, may be permitted.*

A. Height Variance. The proposed 6-foot high stockade fence is not characteristic of the surrounding neighborhood. Most fences in the surrounding neighborhood are 3'-4' high chain link.

B. Setback Variance. Most of the fences in the surrounding neighborhood are located on the property line. The longer segment of the L-shaped fence is a replacement of an existing chain link fence located on the property line. The smaller segment does not meet the characteristic setback; however, it is necessary in order to close off the backyard activity area from the rest of the lot to effectively monitor children at play.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of College Park, Maryland that the findings of fact and conclusions of law of the APC are hereby adopted with the following conditions:

1. A 2-foot height variance from the Prince George's County Zoning Ordinance Section 27-420 (a) to permit the construction of a 6-foot high fence in the side yard of a corner lot be denied.
2. A 25-foot setback variance from City Code, Chapter 87, Section 23, Paragraph C to permit the construction of an L-shaped fence be approved.
3. A 1-foot height variance from City Code, Chapter 87, Section 23, Paragraph F to permit the construction of a 4-foot high fence be approved with the condition that the fence be reconstructed or modified using materials incorporating openness and visibility.

**ADOPTED,** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 11<sup>th</sup> day of March 2014.

THE CITY OF COLLEGE PARK,  
MARYLAND

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Janeen S. Miller, CMC, City Clerk

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Andrew M. Fellows, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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Suellen M. Ferguson  
City Attorney

**14-G-32**

**Janeen S Miller**

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**From:** Michael Jurinek [michael.jurinek@wylandfoundation.org]  
**Sent:** Friday, February 21, 2014 2:18 PM  
**To:** Andrew Fellows  
**Cc:** cpmc  
**Subject:** 3rd Annual National Mayor's Challenge for Water Conservation

Dear Mayor Fellows,

Thank you for taking the time to review this email. The 3rd Annual Mayor's Challenge for Water Conservation hopes to gain your city's online signature of support. It is essential that our citizens preserve this necessary and essential resource.

Below is information about this nationwide community challenge which had participation from over 1,000 cities in all 50 states last year. You may also visit [www.wylandfoundation.org/mayors](http://www.wylandfoundation.org/mayors) to learn more about this easy to use, no-cost, non-profit challenge in which citizens and local government have the opportunity to work together to reach a common goal. We look forward to you Andrew, and the city of College Park, Maryland participating this year.

*Best Regards,*

*Michael Jurinek  
Wyland Foundation  
6 Mason, Ste. B, Irvine, CA 92618  
(949) 643-7070*

WYLAND FOUNDATION.

# NATIONAL MAYOR'S CHALLENGE FOR WATER CONSERVATION APRIL 1-30, 2014



***Take the National Mayor's Challenge for Water Conservation on behalf of your city. Simply take one minute to sign the letter of support to renew your commitment to sustainability - and take advantage of the rewards the program offers to your residents.***

Why? Because no one else in your community can inspire residents to manage resources wisely better than leaders like you. That's why on behalf of the Toyota, National League of Cities, US EPA, and the US Forest Service, the Wyland Foundation invites you to take part in the 3rd Annual National Mayor's Challenge for Water Conservation, April 1-30, 2014. This non-profit community service campaign gives mayors and civic leaders a powerful free tool to inspire residents to conserve water and energy on behalf of their city through a series of informative, easy-to-use pledges, education and rewards.

Last year, citizens from over 1,000 cities in all 50 states made online pledges at [www.mywaterpledge.com](http://www.mywaterpledge.com) to save water, use less energy and reduce pollution at home and in their community with potential cost savings of more than \$30.6 million. In addition,



 [Forward to a Friend](#)

## Take the challenge!

If you haven't already, sign the letter of support now and we'll send you additional information and ideas for making the challenge a success in your city.

"I PLEDGE...As a leader committed to efficient use of natural resources, I support the mission of the Mayor's Challenge for Water Conservation, a non-profit national community service program, and in so doing renew my commitment to sustainability for my city and for future generations."

First Name

Last Name

Title

Address

City

State

Zip

Email

Phone

Statement of Support

[CLICK HERE](#)  
TO SIGN THE LETTER OF SUPPORT

challenge participants pledged to reduce their use of single-use plastic water bottles by more than 5.4 million bottles and eliminate 69.9 million pounds of hazardous waste from entering watersheds. By altering daily lifestyle choices, pledges also resulted in potentially 18.3 million fewer pounds in landfills and 2.2 million fewer pounds of fertilizer in the waste stream. Potential savings of 67.8 million gallons of oil and 2.7 billion pounds of carbon dioxide rounded out the final pledge results.

As a special thank you, the challenge awarded more than \$50,000 in prizes, including a Toyota Prius c Hybrid, Lowe's gift cards, and water-saving fixtures to 1,200 U.S. residents. Participating mayors from Atlanta, San Francisco, Houston, Honolulu, Denver, Tuscon, Charleston, and many other prominent leaders implemented the program at no cost to their cities, with little or no additional demands on city resources or staff.

With promotional ads throughout April in USA Today and other prominent publications - along with large scale social media and web campaigns - we'll be encouraging residents to participate at [www.mywaterpledge.com](http://www.mywaterpledge.com). We hope you will too.

[CLICK HERE TO SIGN-UP ON BEHALF OF YOUR CITY](#)

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NATIONAL PRESENTING PARTNER:

**TOYOTA**

IN ASSOCIATION WITH:



**14-G-33**

March 11, 2014

The Honorable Rushern L. Baker, III  
County Executive, Prince George's County  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772-3070

Re: Request for Establishment of a Route 1 Corridor Tax Increment Financing  
(TIF) District

Dear County Executive Baker,

The City of College Park has been advocating for revitalization of the US Route 1 corridor for decades. Significant progress is being made in redeveloping obsolete properties and improving infrastructure, however, the kind of transformational change envisioned requires a true public/private partnership. The College Park City Council is requesting Prince George's County to join the City in the establishment of a Route 1 TIF District in order to support the public improvements needed to facilitate and complement private development.

One of these public improvements is the undergrounding of utilities in conjunction with the State Highway Administration (SHA) project to reconstruct the roadway to enhance safety, traffic flow and aesthetics and to accommodate pedestrians and bicycles within a complete street. This project is currently in the design phase and since the SHA will only pay to relocate aerial utilities to another above-ground location, the City and others have been working to find a cost-sharing solution so that the utilities may be placed underground. A recently completed feasibility study prepared for SHA and funded by the City and the University of Maryland estimates the City share of the cost of undergrounding between Paint Branch Parkway and Greenbelt Road to be \$14 million dollars. The SHA has informed the City that a design decision needs to be made as soon as possible so as not to jeopardize the project schedule.

The City is financially unable to commit more than 50% of any future incremental tax revenue to the project and this amount is not sufficient to cover the annual debt service for the project. If the County could pledge even a much lower percentage of its projected tax increment from current and proposed new development on Route 1, this project would likely be feasible. Attached for your information, is a list of Route 1 projects with their estimated completion date, current and projected assessment, and annual City and County tax increment.

The City is continuing to explore all local and state funding mechanisms including options for a special assessment or taxing district. We appreciate that your staff, in particular, Tom Himler, has been in discussions with Councilman Olson on this matter. We would like to further these discussions in the hope of finding a workable solution.

TIF districts in revitalization areas have been used successfully across the country and both a Route 1 TIF district, and the undergrounding of utilities are implementation actions recommended in the 2010 Approved Central US 1 Corridor Sector Plan and SMA.

We ask you to join us in working together to take advantage of an opportunity to change the face of the Route 1 corridor and make it the economic development engine that it can be.

Sincerely,

Andrew M. Fellows  
Mayor

cc: Council Member Eric Olson, Prince George's County  
Thomas Himler, DCAO, Budget, Finance and Administration, Prince George's County  
David Iannucci, ADCA, Economic and Public Infrastructure, Prince George's County  
21<sup>st</sup> District Delegation

14-G-34

## **Appointments to Boards and Committees**

**14-G-34**

Appointments to the Neighborhood Stabilization Committee:

- Paul Carlson
- Jeannie Ripley

# Information Report: State Legislation Update

## LEGISLATIVE INFORMATIONAL REPORT

TO: Mayor and City Council  
FROM: Bill Gardiner, Assistant City Manager *36*  
THROUGH: Joseph Nagro, City Manager  
DATE: March 7, 2014  
SUBJECT: State Legislation Update

### City Priority Legislation

**HB1046** City of College Park Employees - Participation in the Employees' Pension System  
*Third Reading Passed (136-0).*

**HB1057** Prince George's County - University of Maryland, College Park Bus Service -  
Motor Carrier Permit Exemption - Removal of Sunset  
*Crossed over, assigned to the Senate Finance Committee.*

### Other Legislation

**HB0025** Local Government - Municipal Elections - No-Excuse Absentee Voting  
*Third Reading Passed (127-0).*

**HB0729 (SB0979)** County and Municipal Street Lighting Investment Act  
*Unfavorable Report by Economic Matters*  
*The bill was voted out "unfavorable" by the Economic Matters Committee. Delegate Carr thanked the Mayor and College Park staff for supporting the bill, and indicated that he may re-introduce it next year. He also made two suggestions for the City. First, he suggested that the City consider requesting that Montgomery County, Rockville, and Gaithersburg incorporate the essence of the bill in their litigation strategy and any settlement with Pepco. Additionally, he noted that the public hearing for Pepco's current rate increase proposal (including 12% on street lighting maintenance) is May 14<sup>th</sup> at the College Park City Hall. The City can raise its concerns to the Public Service Commission at the public hearing.*

**SB0600 (HB0742)** Regional Institution Strategic Enterprise Zone Program  
Budget and Taxation (Senate); Ways and Means (House)  
In current form, SB 600 would allow a university or non-profit, with the approval of the Secretary of the Department of Business and Economic Development (DBED), to designate an area eligible for significant local tax credits without the approval of the local government (municipal or county). The real property tax credits would equal 80% of the taxes on the added value (due to new development) for five years, and then from 70% to 40% over the following five years. The credit would be on the municipal and county real property tax.

*Mayor Fellows and staff attended hearings in the Senate and House; written and oral testimony was provided in the Senate. President Loh, USM Chancellor Kirwan, and several other university officials strongly supported the legislation as introduced. Mayor Fellows, MML, MACo, and*

*Prince George's County testified in support of the legislation with amendments that would address the lack of local government approval for the zone and/or tax credits, and the lack of State reimbursement to the local governments. The fiscal note for the bill was made available on March 5<sup>th</sup>, and it notes "Property tax revenues in counties and municipalities in which a RISE zone is designated may decrease significantly as a result of the bill."*

*Senators Rosapepe and Peters have officially filed their amendments (copies were provided at the March 4<sup>th</sup> Work Session).*

### **Legislation Information Requested by Councilman Wojahn**

#### **SB 212 (HB1265) Fairness for all Marylanders Act of 2014 (attached)**

**Synopsis:** Prohibiting discrimination based on gender identity with regard to public accommodations, housing, and employment and by specified licensed or regulated persons; altering the applicability of specified provisions of law prohibiting discrimination in places of public accommodation; prohibiting discrimination based on sexual orientation or gender identity with regard to commercial leasing; altering the applicability of provisions of law prohibiting discrimination in employment; providing specified immunity; etc.

First Reading in the House Health and Government Operations Committee

# SENATE BILL 212

D5  
SB 449/13 – JPR

4lr0817  
CF HB 1265

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By: **Senators Madaleno, Raskin, Manno, Benson, Conway, Currie, Feldman, Ferguson, Forehand, Frosh, Gladden, Jones–Rodwell, Kasemeyer, Kelley, King, Kittleman, McFadden, Montgomery, Pinsky, Pugh, Ramirez, Robey, Rosapepe, Young, and Zirkin**

Introduced and read first time: January 16, 2014

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 28, 2014

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

1 AN ACT concerning

2 **Fairness for All Marylanders Act of 2014**

3 FOR the purpose of prohibiting discrimination based on gender identity with regard to  
4 public accommodations, housing, and employment; altering the applicability of  
5 certain provisions of law prohibiting discrimination in places of public  
6 accommodation; prohibiting discrimination based on gender identity by certain  
7 licensed or regulated persons; prohibiting discrimination based on sexual  
8 orientation or gender identity with regard to the leasing of property for  
9 commercial usage or in the provision of certain services or facilities; altering the  
10 applicability of certain provisions of law prohibiting discrimination in  
11 employment; altering a certain exception for employers that relates to  
12 standards concerning dress and grooming; providing that an employer is  
13 immune from certain liability for certain acts to verify the gender identity of  
14 any employee or applicant in response to a certain charge; making certain  
15 remedies and procedures regarding discrimination applicable to discrimination  
16 based on sexual orientation and gender identity; requiring certain State  
17 personnel actions to be made without regard to gender identity or sexual  
18 orientation; defining the term “gender identity”; making certain conforming  
19 changes; ~~making certain legislative findings and declarations~~; and generally  
20 relating to discrimination based on sexual orientation and gender identity.

21 BY renumbering

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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 Section 20–101(e) and (f), respectively  
 3 to be Section 20–101(f) and (g), respectively  
 4 Annotated Code of Maryland  
 5 (2009 Replacement Volume and 2013 Supplement)

6 BY adding to  
 7 Article – State Government  
 8 Section 20–101(e) ~~and 20–102~~  
 9 Annotated Code of Maryland  
 10 (2009 Replacement Volume and 2013 Supplement)

11 BY repealing and reenacting, without amendments,  
 12 Article – State Government  
 13 Section 20–301 ~~and 20–303~~  
 14 Annotated Code of Maryland  
 15 (2009 Replacement Volume and 2013 Supplement)

16 BY repealing and reenacting, with amendments,  
 17 Article – State Government  
 18 Section 20–302, ~~20–303~~, 20–304, 20–401, 20–402, 20–501, 20–602, 20–603,  
 19 ~~20–604~~, 20–605(a)(2), 20–606(a) through (e), 20–608, 20–702(a),  
 20 20–704(a)(2), 20–705, 20–707(b) and (c), and 20–1103(b)  
 21 Annotated Code of Maryland  
 22 (2009 Replacement Volume and 2013 Supplement)

23 BY repealing and reenacting, with amendments,  
 24 Article – State Personnel and Pensions  
 25 Section 2–302  
 26 Annotated Code of Maryland  
 27 (2009 Replacement Volume and 2013 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 29 MARYLAND, That Section(s) 20–101(e) and (f), respectively, of Article – State  
 30 Government of the Annotated Code of Maryland be renumbered to be Section(s)  
 31 20–101(f) and (g), respectively.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 33 read as follows:

34 **Article – State Government**

35 20–101.

36 ~~(E) “GENDER IDENTITY” MEANS A GENDER-RELATED IDENTITY,~~  
 37 ~~APPEARANCE, EXPRESSION, OR BEHAVIOR OF AN INDIVIDUAL REGARDLESS OF~~  
 38 ~~THE INDIVIDUAL’S ASSIGNED SEX AT BIRTH.~~

1        (E) "GENDER IDENTITY" MEANS A PERSISTENT, BONA FIDE  
 2 GENDER-RELATED IDENTITY AND THE CONSISTENT, PUBLIC MANIFESTATION  
 3 OF THAT IDENTITY IN THE GENDER-RELATED APPEARANCE OF AN INDIVIDUAL  
 4 REGARDLESS OF THE INDIVIDUAL'S ASSIGNED SEX AT BIRTH THE  
 5 GENDER-RELATED IDENTITY, APPEARANCE, EXPRESSION, OR BEHAVIOR OF A  
 6 PERSON, REGARDLESS OF THE PERSON'S ASSIGNED SEX AT BIRTH, WHICH MAY  
 7 BE DEMONSTRATED BY:

8            (1) CONSISTENT AND UNIFORM ASSERTION OF THE PERSON'S  
 9 GENDER IDENTITY; OR

10           (2) ANY OTHER EVIDENCE THAT THE GENDER IDENTITY IS  
 11 SINCERELY HELD AS PART OF THE PERSON'S CORE IDENTITY.

12 ~~20-102.~~

13        ~~THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:~~

14           ~~(1) THERE IS A NEED TO PROHIBIT DISCRIMINATION ON THE~~  
 15 ~~BASIS OF RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, AGE, SEX,~~  
 16 ~~MARITAL STATUS, DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY IN~~  
 17 ~~THE AREAS OF EMPLOYMENT, HOUSING, CREDIT, AND PUBLIC~~  
 18 ~~ACCOMMODATIONS;~~

19           ~~(2) THE STATE HAS THE RESPONSIBILITY TO ACT TO ASSURE~~  
 20 ~~THAT EVERY INDIVIDUAL WITHIN THE STATE IS AFFORDED AN EQUAL~~  
 21 ~~OPPORTUNITY TO ENJOY A FULL AND PRODUCTIVE LIFE, AND THE FAILURE TO~~  
 22 ~~PROVIDE SUCH EQUAL OPPORTUNITY, WHETHER BECAUSE OF DISCRIMINATION,~~  
 23 ~~PREJUDICE, OR INTOLERANCE, THREATENS THE WELFARE OF THE STATE AND~~  
 24 ~~ITS INHABITANTS;~~

25           ~~(3) MANY RESIDENTS OF THE STATE HAVE ENCOUNTERED~~  
 26 ~~PREJUDICE ON ACCOUNT OF THEIR RACE, COLOR, RELIGION, ANCESTRY,~~  
 27 ~~NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS, DISABILITY, SEXUAL~~  
 28 ~~ORIENTATION, OR GENDER IDENTITY, AND THIS PREJUDICE HAS SEVERELY~~  
 29 ~~LIMITED OR ACTUALLY PREVENTED ACCESS TO BASIC NECESSITIES OF LIFE,~~  
 30 ~~LEADING TO DEPRIVATION AND SUFFERING;~~

31           ~~(4) THE OPPORTUNITY TO OBTAIN EMPLOYMENT, HOUSING,~~  
 32 ~~CREDIT, AND PUBLIC ACCOMMODATIONS WITHOUT DISCRIMINATION IS HEREBY~~  
 33 ~~RECOGNIZED AS AND DECLARED TO BE A CIVIL RIGHT; AND~~

1           ~~(5) THESE FINDINGS ARE INTENDED TO CODIFY THE PRINCIPLES~~  
 2 ~~OF JUSTICE AND EQUAL OPPORTUNITY AND TO ENSURE THAT THE PUBLIC~~  
 3 ~~UNDERSTANDS THAT DISCRIMINATION ON THE BASIS OF RACE, COLOR,~~  
 4 ~~RELIGION, ANCESTRY, NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS,~~  
 5 ~~DISABILITY, SEXUAL ORIENTATION, OR GENDER IDENTITY IS EXPRESSLY~~  
 6 ~~PROHIBITED.~~

7 20-301.

8           In this subtitle, "place of public accommodation" means:

9           (1) an inn, hotel, motel, or other establishment that provides lodging  
 10 to transient guests;

11           (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or  
 12 other facility principally engaged in selling food or alcoholic beverages for consumption  
 13 on or off the premises, including a facility located on the premises of a retail  
 14 establishment or gasoline station;

15           (3) a motion picture house, theater, concert hall, sports arena,  
 16 stadium, or other place of exhibition or entertainment;

17           (4) a retail establishment that:

18                   (i) is operated by a public or private entity; and

19                   (ii) offers goods, services, entertainment, recreation, or  
 20 transportation; and

21           (5) an establishment:

22                   (i) 1. that is physically located within the premises of any  
 23 other establishment covered by this subtitle; or

24                               2. within the premises of which any other establishment  
 25 covered by this subtitle is physically located; and

26                   (ii) that holds itself out as serving patrons of the covered  
 27 establishment.

28 20-302.

29           This subtitle does not prohibit the proprietor or employees of any establishment  
 30 from denying service to any person for failure to conform to the usual and regular  
 31 requirements, standards, and regulations of the establishment, provided that the

1 denial is not based on discrimination on the grounds of race, sex, age, color, creed,  
2 national origin, marital status, sexual orientation, GENDER IDENTITY, or disability.

3 20-303.

4 **(A)** This subtitle does not apply:

5 (1) to a private club or other establishment that is not open to the  
6 public, except to the extent that the facilities of the private club or other establishment  
7 are made available to the customers or patrons of an establishment within the scope of  
8 this subtitle;

9 (2) with respect to sex discrimination, to a facility that is:

10 (i) uniquely private and personal in nature; and

11 (ii) designed to accommodate only a particular sex; and

12 (3) to an establishment providing lodging to transient guests located  
13 within a building that:

14 (i) contains not more than five rooms for rent or hire; and

15 (ii) is occupied by the proprietor of the establishment as the  
16 proprietor's residence.

17 **(B) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**  
18 **THE MEANINGS INDICATED.**

19 **(II) "EQUIVALENT PRIVATE SPACE" MEANS A SPACE THAT IS**  
20 **FUNCTIONALLY EQUIVALENT TO THE SPACE MADE AVAILABLE TO USERS OF A**  
21 **PRIVATE FACILITY.**

22 **(III) "PRIVATE FACILITY" MEANS A FACILITY:**

23 **1. THAT IS DESIGNED TO ACCOMMODATE ONLY A**  
24 **PARTICULAR SEX;**

25 **2. THAT IS DESIGNED TO BE USED SIMULTANEOUSLY**  
26 **BY MORE THAN ONE USER OF THE SAME SEX; AND**

27 **3. IN WHICH IT IS CUSTOMARY TO DISROBE IN VIEW**  
28 **OF OTHER USERS OF THE FACILITY.**

1           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
 2 SUBSECTION, THIS SUBTITLE APPLIES, WITH RESPECT TO GENDER IDENTITY, TO  
 3 ALL FACILITIES IN A PLACE OF PUBLIC ACCOMMODATION.

4           (3) THIS SUBTITLE DOES NOT APPLY, WITH RESPECT TO GENDER  
 5 IDENTITY, TO A PRIVATE FACILITY, IF THE PLACE OF PUBLIC ACCOMMODATION  
 6 IN WHICH THE PRIVATE FACILITY IS LOCATED MAKES AVAILABLE, FOR THE USE  
 7 OF PERSONS WHOSE GENDER IDENTITY IS DIFFERENT FROM THEIR ASSIGNED  
 8 SEX AT BIRTH, AN EQUIVALENT PRIVATE SPACE.

9 20-304.

10           An owner or operator of a place of public accommodation or an agent or  
 11 employee of the owner or operator may not refuse, withhold from, or deny to any  
 12 person any of the accommodations, advantages, facilities, or privileges of the place of  
 13 public accommodation because of the person's race, sex, age, color, creed, national  
 14 origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability.

15 20-401.

16           This subtitle does not prohibit any person that is licensed or regulated by the  
 17 Department of Labor, Licensing, and Regulation from refusing, withholding from, or  
 18 denying accommodations, advantages, facilities, privileges, sales, or services to any  
 19 person for failure to conform to the usual and regular requirements, standards, and  
 20 regulations of the licensed or regulated person, provided that the denial is not based  
 21 on discrimination on the grounds of race, sex, color, creed, national origin, marital  
 22 status, sexual orientation, age, **GENDER IDENTITY**, or disability.

23 20-402.

24           A person that is licensed or regulated by a unit in the Department of Labor,  
 25 Licensing, and Regulation listed in § 2-108 of the Business Regulation Article may not  
 26 refuse, withhold from, or deny any person any of the accommodations, advantages,  
 27 facilities, privileges, sales, or services of the licensed or regulated person or  
 28 discriminate against any person because of the person's race, sex, creed, color, national  
 29 origin, marital status, sexual orientation, age, **GENDER IDENTITY**, or disability.

30 20-501.

31           An owner or operator of commercial property, an agent or employee of the owner  
 32 or operator of commercial property, or a person that is licensed or regulated by the  
 33 State may not discriminate against an individual in the terms, conditions, or  
 34 privileges of the leasing of property for commercial use, or in the provision of services  
 35 or facilities in connection with the leasing of property for commercial use, because of  
 36 the individual's race, color, religion, sex, age, disability, marital status, **SEXUAL**  
 37 **ORIENTATION**, **GENDER IDENTITY**, or national origin.

1 20-602.

2 It is the policy of the State, in the exercise of its police power for the protection  
3 of the public safety, public health, and general welfare, for the maintenance of  
4 business and good government, and for the promotion of the State's trade, commerce,  
5 and manufacturers:

6 (1) to assure all persons equal opportunity in receiving employment  
7 and in all labor management-union relations, regardless of race, color, religion,  
8 ancestry or national origin, sex, age, marital status, sexual orientation, **GENDER**  
9 **IDENTITY**, or disability unrelated in nature and extent so as to reasonably preclude  
10 the performance of the employment; and

11 (2) to that end, to prohibit discrimination in employment by any  
12 person.

13 20-603.

14 This subtitle does not require:

15 (1) an employer, employment agency, labor organization, or joint  
16 labor-management committee subject to this subtitle to grant preferential treatment  
17 to any individual or group on the basis of the race, color, religion, sex, age, national  
18 origin, **GENDER IDENTITY**, sexual orientation, or disability of the individual or group  
19 because an imbalance may exist with respect to the total number or percentage of  
20 individuals of any race, color, religion, sex, age, national origin, **GENDER IDENTITY**,  
21 or sexual orientation or individuals with disabilities employed by the employer,  
22 referred or classified for employment by the employment agency or labor organization,  
23 admitted to membership or classified by the labor organization, or admitted to, or  
24 employed in, any apprenticeship or other training program, compared to the total  
25 number or percentage of individuals of that race, color, religion, sex, age, national  
26 origin, **GENDER IDENTITY**, or sexual orientation or individuals with disabilities in the  
27 State or any community, section, or other area, or in the available work force in the  
28 State or any community, section, or other area; or

29 (2) an employer to reasonably accommodate an employee's religion or  
30 disability if the accommodation would cause undue hardship on the conduct of the  
31 employer's business.

32 20-604.

33 This subtitle does not apply to:

34 (1) an employer with respect to the employment of aliens outside of  
35 the State; or

1           (2) a religious corporation, association, educational institution, or  
 2 society with respect to the employment of individuals of a particular religion [or],  
 3 sexual orientation, OR GENDER IDENTITY to perform work connected with the  
 4 activities of the religious entity.

5 20-605.

6           (a) Notwithstanding any other provision of this subtitle, this subtitle does  
 7 not prohibit:

8           (2) an employer from establishing [standards concerning an  
 9 employee's dress and grooming, if the standards are directly related to the nature of  
 10 the employment of the employee] **AND REQUIRING AN EMPLOYEE TO ADHERE TO**  
 11 **REASONABLE WORKPLACE APPEARANCE, GROOMING, AND DRESS STANDARDS**  
 12 **THAT ARE DIRECTLY RELATED TO THE NATURE OF THE EMPLOYMENT OF THE**  
 13 **EMPLOYEE AND THAT ARE NOT PRECLUDED BY ANY PROVISION OF STATE OR**  
 14 **FEDERAL LAW, AS LONG AS THE EMPLOYER ALLOWS ANY EMPLOYEE TO APPEAR,**  
 15 **GROOM, AND DRESS CONSISTENT WITH THE EMPLOYEE'S GENDER IDENTITY;**

16 20-606.

17           (a) An employer may not:

18           (1) fail or refuse to hire, discharge, or otherwise discriminate against  
 19 any individual with respect to the individual's compensation, terms, conditions, or  
 20 privileges of employment because of:

21           (i) the individual's race, color, religion, sex, age, national origin,  
 22 marital status, sexual orientation, **GENDER IDENTITY**, genetic information, or  
 23 disability unrelated in nature and extent so as to reasonably preclude the performance  
 24 of the employment; or

25           (ii) the individual's refusal to submit to a genetic test or make  
 26 available the results of a genetic test;

27           (2) limit, segregate, or classify its employees or applicants for  
 28 employment in any way that would deprive or tend to deprive any individual of  
 29 employment opportunities or otherwise adversely affect the individual's status as an  
 30 employee because of:

31           (i) the individual's race, color, religion, sex, age, national origin,  
 32 marital status, sexual orientation, **GENDER IDENTITY**, genetic information, or  
 33 disability unrelated in nature and extent so as to reasonably preclude the performance  
 34 of the employment; or

1 (ii) the individual's refusal to submit to a genetic test or make  
2 available the results of a genetic test;

3 (3) request or require genetic tests or genetic information as a  
4 condition of hiring or determining benefits; or

5 (4) fail or refuse to make a reasonable accommodation for the known  
6 disability of an otherwise qualified employee.

7 (b) An employment agency may not:

8 (1) fail or refuse to refer for employment or otherwise discriminate  
9 against any individual because of the individual's race, color, religion, sex, age,  
10 national origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability  
11 unrelated in nature and extent so as to reasonably preclude the performance of the  
12 employment; or

13 (2) classify or refer for employment any individual on the basis of the  
14 individual's race, color, religion, sex, age, national origin, marital status, sexual  
15 orientation, **GENDER IDENTITY**, or disability unrelated in nature and extent so as to  
16 reasonably preclude the performance of the employment.

17 (c) A labor organization may not:

18 (1) exclude or expel from its membership, or otherwise discriminate  
19 against, any individual because of the individual's race, color, religion, sex, age,  
20 national origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability  
21 unrelated in nature and extent so as to reasonably preclude the performance of the  
22 employment;

23 (2) limit, segregate, or classify its membership, or classify or fail or  
24 refuse to refer for employment any individual, in any way that would deprive or tend  
25 to deprive the individual of employment opportunities, limit the individual's  
26 employment opportunities, or otherwise adversely affect the individual's status as an  
27 employee or as an applicant for employment because of the individual's race, color,  
28 religion, sex, age, national origin, marital status, sexual orientation, **GENDER**  
29 **IDENTITY**, or disability unrelated in nature and extent so as to reasonably preclude  
30 the performance of the employment; or

31 (3) cause or attempt to cause an employer to discriminate against an  
32 individual in violation of this section.

33 (d) An employer, labor organization, or joint labor-management committee  
34 controlling apprenticeship or other training or retraining programs, including  
35 on-the-job training programs, may not discriminate against any individual in  
36 admission to, or employment in, any program established to provide apprenticeship or  
37 other training or retraining because of the individual's race, color, religion, sex, age,

1 national origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability  
2 unrelated in nature and extent so as to reasonably preclude the performance of the  
3 employment.

4 (e) (1) Except as provided in paragraph (2) of this subsection, an  
5 employer, labor organization, or employment agency may not print or cause to be  
6 printed or published any notice or advertisement relating to employment by the  
7 employer, membership in or any classification or referral for employment by the labor  
8 organization, or any classification or referral for employment by the employment  
9 agency that indicates any preference, limitation, specification, or discrimination based  
10 on race, color, religion, sex, age, national origin, marital status, sexual orientation,  
11 **GENDER IDENTITY**, or disability.

12 (2) A notice or advertisement may indicate a preference, limitation,  
13 specification, or discrimination based on religion, sex, age, national origin, marital  
14 status, or disability if religion, sex, age, national origin, marital status, or disability is  
15 a bona fide occupational qualification for employment.

16 20-608.

17 An employer shall be immune from liability under this title or under the  
18 common law arising out of reasonable acts taken by the employer to verify the sexual  
19 orientation **OR GENDER IDENTITY** of any employee or applicant in response to a  
20 charge filed against the employer on the basis of sexual orientation **OR GENDER**  
21 **IDENTITY**.

22 20-702.

23 (a) It is the policy of the State:

24 (1) to provide for fair housing throughout the State to all, regardless of  
25 race, color, religion, sex, familial status, national origin, marital status, sexual  
26 orientation, **GENDER IDENTITY**, or disability; and

27 (2) to that end, to prohibit discriminatory practices with respect to  
28 residential housing by any person, in order to protect and insure the peace, health,  
29 safety, prosperity, and general welfare of all.

30 20-704.

31 (a) This subtitle does not apply to:

32 (2) with respect to discrimination on the basis of sex, sexual  
33 orientation, **GENDER IDENTITY**, or marital status:

1 (i) the rental of rooms in any dwelling, if the owner maintains  
2 the dwelling as the owner's principal residence; or

3 (ii) the rental of any apartment in a dwelling that contains not  
4 more than five rental units, if the owner maintains the dwelling as the owner's  
5 principal residence.

6 20-705.

7 Except as provided in §§ 20-703 and 20-704 of this subtitle, a person may not:

8 (1) refuse to sell or rent after the making of a bona fide offer, refuse to  
9 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to  
10 any person because of race, color, religion, sex, disability, marital status, familial  
11 status, sexual orientation, **GENDER IDENTITY**, or national origin;

12 (2) discriminate against any person in the terms, conditions, or  
13 privileges of the sale or rental of a dwelling, or in the provision of services or facilities  
14 in connection with the sale or rental of a dwelling, because of race, color, religion, sex,  
15 disability, marital status, familial status, sexual orientation, **GENDER IDENTITY**, or  
16 national origin;

17 (3) make, print, or publish, or cause to be made, printed, or published,  
18 any notice, statement, or advertisement with respect to the sale or rental of a dwelling  
19 that indicates any preference, limitation, or discrimination based on race, color,  
20 religion, sex, disability, marital status, familial status, sexual orientation, **GENDER**  
21 **IDENTITY**, or national origin, or an intention to make any preference, limitation, or  
22 discrimination;

23 (4) represent to any person, because of race, color, religion, sex,  
24 disability, marital status, familial status, sexual orientation, **GENDER IDENTITY**, or  
25 national origin, that any dwelling is not available for inspection, sale, or rental when  
26 the dwelling is available; or

27 (5) for profit, induce or attempt to induce any person to sell or rent  
28 any dwelling by representations regarding the entry or prospective entry into the  
29 neighborhood of a person of a particular race, color, religion, sex, disability, marital  
30 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin.

31 20-707.

32 (b) (1) A person whose business includes engaging in residential real  
33 estate-related transactions may not discriminate against any person in making  
34 available a transaction, or in the terms or conditions of a transaction, because of race,  
35 color, religion, sex, disability, marital status, familial status, sexual orientation,  
36 **GENDER IDENTITY**, or national origin.

1           (2) Paragraph (1) of this subsection does not prohibit a person engaged  
2 in the business of furnishing appraisals of real property from taking into consideration  
3 factors other than race, color, religion, sex, disability, marital status, familial status,  
4 sexual orientation, **GENDER IDENTITY**, or national origin.

5           (c) A person may not, because of race, color, religion, sex, disability, marital  
6 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin:

7           (1) deny a person access to, or membership or participation in, a  
8 multiple-listing service, real estate brokers' organization, or other service,  
9 organization, or facility relating to the business of selling or renting dwellings; or

10           (2) discriminate against a person in the terms or conditions of  
11 membership or participation.

12 20-1103.

13           (b) Whether or not acting under color of law, a person may not, by force or  
14 threat of force, willfully injure, intimidate, interfere with, or attempt to injure,  
15 intimidate, or interfere with:

16           (1) any person because of race, color, religion, sex, disability, marital  
17 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin and  
18 because the person is or has been:

19           (i) selling, purchasing, renting, financing, occupying, or  
20 contracting or negotiating for the sale, purchase, rental, financing, or occupation of  
21 any dwelling; or

22           (ii) applying for or participating in any service, organization, or  
23 facility relating to the business of selling or renting dwellings;

24           (2) any person because the person is or has been, or in order to  
25 intimidate the person or any other person or any class of persons from:

26           (i) participating, without discrimination on account of race,  
27 color, religion, sex, disability, marital status, familial status, sexual orientation,  
28 **GENDER IDENTITY**, or national origin, in any of the activities, services, organizations,  
29 or facilities described in item (1) of this subsection; or

30           (ii) affording another person or class of persons the opportunity  
31 or protection to participate in any of the activities, services, organizations, or facilities  
32 described in item (1) of this subsection; or

33           (3) any person because the person is or has been, or in order to  
34 discourage the person or any other person from:

1 (i) lawfully aiding or encouraging other persons to participate,  
 2 without discrimination on account of race, color, religion, sex, disability, marital  
 3 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin, in  
 4 any of the activities, services, organizations, or facilities described in item (1) of this  
 5 subsection; or

6 (ii) participating lawfully in speech or peaceful assembly  
 7 opposing any denial of the opportunity to participate in any of the activities, services,  
 8 organizations, or facilities described in item (1) of this subsection.

9 **Article – State Personnel and Pensions**

10 2-302.

11 (a) The State recognizes and honors the value and dignity of every person  
 12 and understands the importance of providing employees and applicants for  
 13 employment with a fair opportunity to pursue their careers in an environment free of  
 14 discrimination or harassment prohibited by law.

15 (b) (1) Except as provided in paragraph (2) of this subsection or by other  
 16 law, all personnel actions concerning a State employee or applicant for employment in  
 17 State government shall be made without regard to:

18 (i) age;

19 (ii) ancestry;

20 (iii) color;

21 (iv) creed;

22 **(v) GENDER IDENTITY;**

23 ~~[(v)]~~ **(VI)** marital status;

24 ~~[(vi)]~~ **(VII)** mental or physical disability;

25 ~~[(vii)]~~ **(VIII)** national origin;

26 ~~[(viii)]~~ **(IX)** race;

27 ~~[(ix)]~~ **(X)** religious affiliation, belief, or opinion; ~~[or]~~

28 ~~[(x)]~~ **(XI)** sex; **OR**

## 1 (XII) SEXUAL ORIENTATION.

2 (2) A personnel action may be taken with regard to age, sex, or  
3 disability to the extent that age, sex, or physical or mental qualification is required by  
4 law or is a bona fide occupational qualification.

5 (c) (1) Each State employee is expected to assume personal responsibility  
6 and leadership in ensuring fair employment practices and equal employment  
7 opportunity in Maryland State government.

8 (2) Employment discrimination and harassment by State managers,  
9 supervisors, or other employees is prohibited.

10 (3) A State employee who violates this subtitle is subject to  
11 disciplinary action by the employee's appointing authority, including the termination  
12 of State employment.

13 (d) The Equal Employment Opportunity Program in Title 5, Subtitle 2 of this  
14 article governs all employees of any unit in the Executive Branch of State government,  
15 including a unit with an independent personnel system.

16 (e) (1) At least annually, the Secretary shall report on the Equal  
17 Employment Opportunity Program established in § 5-202 of this article to the Joint  
18 Committee on Fair Practices and State Personnel Oversight.

19 (2) The head of a personnel system in the Legislative and Judicial  
20 branches may report periodically on equal employment opportunity programs and  
21 policies in effect in that personnel system to the Joint Committee on Fair Practices  
22 and State Personnel Oversight.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2014.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.