

Written Testimony
Sarah Warbelow, State Legislative Director of the Human Rights Campaign,
in Support of Senate Bill 212: Fairness for All Marylanders Act to
The Senate Judicial Proceedings Committee
February 4, 2014

Chair Frosh and Members of the Committee:

My name is Sarah Warbelow, and I am the State Legislative Director for the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBT citizens and realize a nation that achieves fundamental fairness and equality for all. On behalf of our over one and a half million members and supporters nationwide, including more than 47,000 in Maryland, I am honored to submit this statement in support of Senate Bill 212, the Fairness for All Marylanders Act, which prohibits discrimination on the basis of gender identity.

By adopting the FAMA, the state of Maryland will be squarely in the midst of a trend toward equality. To date, 17 states, the District of Columbia, and over 190 cities and counties provide protections on the basis of gender identity and expression. Since Minnesota adopted the first statewide non-discrimination law inclusive of gender identity more than two decades ago, gender identity protections have proven to be a non-issue for the state and a source of critical protections for transgender people. Even here in Maryland, protections have been put in place. Most importantly, a Maryland gubernatorial executive order limited to state executive branch employees and five Maryland jurisdictions currently include gender identity and expression in their non-discrimination ordinances – Baltimore City, Baltimore County, Howard County, Montgomery County, and most recently Hyattsville. These ordinances passed with little to no opposition. Baltimore City and Hyattsville even passed their ordinances unanimously.

Each of these ordinances is substantially similar to the proposed law. The definition of gender identity and expression in SB 212 is based upon the definitions in these ordinances. All prohibit discrimination in employment, housing, credit, and public accommodations. Together these five jurisdictions cover 47% of all Maryland. But, that leaves an estimated 9,200 transgender people living in a Maryland jurisdiction which does not provide protection from discrimination based on gender identity. The successes of these localities combined with the large number of people lacking protections demonstrate that this update to state law is long overdue.

Since addition of gender identity to the code, Howard County has reported one inquiry but no formal complaints. The experiences of the Maryland jurisdictions are consistent with jurisdictions throughout the United States – controlling for percentage of the population, jurisdictions with sexual orientation and gender identity protections receive

complaints on these bases at the same rates as complaints based on sex and race. One of the greatest effects of these laws is to provide clear guidance to businesses and rental agencies about acceptable practices, thereby decreasing incidents of discrimination overall. It is important to note, however, that generally, the ordinances in the localities that prohibit discrimination based on gender identity provide remedies that are more limited than those provided under the state's non-discrimination laws. For example, none of the localities provides for punitive damages through administrative hearings.

Prohibiting discrimination on the basis of gender identity is increasingly becoming the standard across the country. The business community is a demonstration of this: over 60% of Fortune 500 companies have employee non-discrimination policies on the basis of gender identity. 86% of companies rated in the Human Rights Campaign's 2014 Corporate Equality Index prohibited discrimination on the basis of gender identity. 23 of Maryland's top 25 employers have these protections, including Johns Hopkins University, the University of Maryland, Marriott International, Inc., BGE, Giant Foods, and Verizon. Lockheed Martin Corp., Constellation Energy Group, Inc., Sodexo, T. Rowe Price Associates, Discovery Communications and Choice Hotels International, Inc. are other Maryland based employers who have gender identity non-discrimination protections.

The time has come for Maryland to finally act and ensure that discrimination has no place in this great state. Please vote in favor of Senate Bill 212.